MONTANA LEGISLATIVE HISTORY

Chapter 596 ~~19~~ 2005

Bill H 671 S _____ Original bill & history ✓ C

H. Committee on Transportation			S. Committee on Highways & Transp		
Hearing Date(s)	2/14	C	Hearing Date(s)	~~4/13~~	C
	3/10	C		3/24	C
		C		~~4~~/13	C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Bill Draft Number: LC0761
Bill Type - Number: HB 671
Short Title: Generally revise motor vehicle law
Primary Sponsor: John L Musgrove

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 54

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	05/06/2005			
(H) Signed by Governor	05/06/2005			
(H) Transmitted to Governor	04/27/2005			
(S) Signed by President	04/27/2005			
(H) Signed by Speaker	04/27/2005			
(H) Returned from Enrolling	04/25/2005			
(C) Sent to Printing	04/25/2005			
(H) Sent to Enrolling	04/19/2005			
(H) 3rd Reading Passed as Amended by Senate	04/18/2005	82	17	
(H) On Motion Rules Suspended	04/18/2005			
(H) 2nd Reading Senate Amendments Concurred	04/18/2005	82	18	
(H) Scheduled for 2nd Reading	04/18/2005			
(S) Returned to House with Amendments	04/16/2005			
(S) 3rd Reading Concurred	04/16/2005	47	3	
(S) Scheduled for 3rd Reading	04/16/2005			
(S) 2nd Reading Concurred on Voice Vote	04/15/2005	49	1	
(S) Scheduled for 2nd Reading	04/15/2005			
(S) Scheduled for 2nd Reading	04/14/2005			
(C) Sent to Printing	04/13/2005			
(S) Committee Report--Bill Concurred as Amended	04/13/2005			(S) Highways and Transportation
(S) Committee Executive Action--Bill Concurred as Amended	04/13/2005	9	0	(S) Highways and Transportation
(S) Hearing	03/24/2005			(S) Highways and Transportation
(H) Revised Fiscal Note Printed	03/16/2005			
(H) Revised Fiscal Note Received	03/16/2005			
(S) Referred to Committee	03/15/2005			(S) Highways and Transportation

(S) First Reading	03/15/2005			
(H) Transmitted to Senate	03/14/2005			
(H) 3rd Reading Passed	03/14/2005	69	28	
(H) Scheduled for 3rd Reading	03/14/2005			
(H) Revised Fiscal Note Requested	03/12/2005			
(H) 2nd Reading Passed	03/12/2005	66	31	
(H) Scheduled for 2nd Reading	03/12/2005			
(C) Sent to Printing	03/10/2005			
(H) Committee Report--Bill Passed as Amended	03/10/2005			(H) Transportation
(H) Committee Executive Action--Bill Passed as Amended	03/10/2005	11	1	(H) Transportation
(H) Fiscal Note Printed	03/01/2005			
(H) Fiscal Note Received	03/01/2005			
(H) Hearing	02/14/2005			(H) Transportation
(C) Introduced Bill Text Available Electronically	02/11/2005			
(H) Referred to Committee	02/11/2005			(H) Transportation
(H) Fiscal Note Requested	02/11/2005			
(H) First Reading	02/11/2005			
(H) Introduced	02/11/2005			
(C) Draft Delivered to Requester	02/09/2005			
(C) Draft Ready for Delivery	02/08/2005			
(C) Draft in Assembly/Executive Director Review	02/07/2005			
(C) Draft in Final Drafter Review	02/07/2005			
(C) Bill Draft Text Available Electronically	02/07/2005			
(C) Draft in Input/Proofing	02/07/2005			
(C) Draft to Drafter - Edit Review [CMD]	02/04/2005			
(C) Draft in Edit	01/29/2005			
(C) Draft in Legal Review	01/29/2005			
(C) Draft to Requester for Review	01/25/2005			
(C) Draft Request Received	11/08/2004			

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Brueggeman	John	
Drafter	Petesch	Greg	
Primary Sponsor	Musgrove	John	L

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Motor Vehicles (see also: Taxation--Trans; Traffic Regulations; Transportation)		Simple	MTRV
Revenue, State	Revenue	Simple	REVS

Additional Bill Information

Probable Fiscal Note: Yes
Preintroduction Required: N
Session Law Ch. Number: 596
DEADLINE
Category: Revenue Bills
Transmittal Date: 04/04/2005
Return (with 2nd house amendments) Date: 04/16/2005

Section Effective Dates

Section(s)	Effective Date	Date Qualified
Sections 7-167	01-JAN-06	
Sections 1-6 and 168	01-JUL-05	

HOUSE BILL NO. 671

INTRODUCED BY J. MUSGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE MOTOR VEHICLE LAWS; AUTOMATING AND SIMPLIFYING THE PROCESS FOR ISSUANCE OF TEMPORARY REGISTRATION PERMITS; STANDARDIZING THE LENGTH OF TEMPORARY REGISTRATION PERMITS AND THE GRACE PERIOD FOR TITLING OR REGISTERING A NEWLY ACQUIRED VEHICLE; IMPOSING A $5 FEE FOR ISSUANCE OF CERTAIN TEMPORARY REGISTRATION PERMITS; IMPOSING A $10 FEE FOR ISSUANCE OF A TEMPORARY REGISTRATION PERMIT TO A NONRESIDENT OR TO A PERSON VIA THE SECURE ELECTRONIC APPLICATION; AUTHORIZING CERTAIN PERSONS TO ELECTRONICALLY UPDATE DEPARTMENT RECORDS VIA AUTHORIZED AGENT AGREEMENTS; SETTING THE STANDARDS FOR AUTHORIZED AGENTS, INCLUDING MAXIMUM ALLOWABLE SERVICE OR CONVENIENCE FEES CHARGEABLE BY AUTHORIZED AGENTS; AUTHORIZING CERTAIN HEALTH CARE PROVIDERS TO ISSUE TEMPORARY DISABLED PARKING PLACARDS AND ELECTRONICALLY SUBMIT DISABLED PARKING PLACARD APPLICATION ON BEHALF OF A PATIENT; ELIMINATING CERTIFICATES OF OWNERSHIP FOR MANUFACTURED HOMES, MOBILE HOMES, AND HOUSETRAILERS; REVISING AND CLARIFYING BUSINESS PROCESSES FOR REGISTERING AND RENEWING THE REGISTRATION OF CERTAIN VEHICLES; REVISING AND CLARIFYING CERTAIN PROVISIONS FOR ISSUANCE AND TRANSFER OF LICENSE PLATES; REVISING AND CLARIFYING SPECIAL MOBILE EQUIPMENT AND SINGLE MOVEMENT PERMITS; CLARIFYING TYPES OF VEHICLES DEALERS; REVISING COLLECTION OF DRIVER'S LICENSE FEES AND CERTAIN FUND TRANSFERS; REVISING AND CLARIFYING DRIVER RECORDS AND RECORDKEEPING REQUIREMENTS; CLARIFYING ADMINISTRATIVE HEARING PROCESS FOR CERTAIN DRIVER'S LICENSE SUSPENSIONS; AMENDING SECTIONS 7-14-112, 10-3-1307, 15-1-101, 15-1-116, 15-1-117, 15-1-121, 15-1-122, 15-8-201, 15-8-202, 15-15-201, 15-24-301, 15-24-302, 19-6-709, 23-1-105, 23-2-502, 23-2-511, 23-2-513, 23-2-515, 23-2-616, 23-2-619, 23-2-818, 49-4-301, 49-4-302, 49-4-303, 49-4-304, 49-4-305, 61-1-104, 61-1-111, 61-1-501, 61-1-508, 61-1-513, 61-1-603, 61-3-107, 61-3-109, 61-3-201, 61-3-203, 61-3-212, 61-3-217, 61-3-218, 61-3-220, 61-3-224, 61-3-301, 61-3-302, 61-3-303, 61-3-311, 61-3-312, 61-3-313, 61-3-314, 61-3-315, 61-3-316, 61-3-317, 61-3-321, 61-3-322, 61-3-324, 61-3-325, 61-3-331, 61-3-332, 61-3-333, 61-3-334, 61-3-335, 61-3-345, 61-3-347, 61-3-401, 61-3-402, 61-3-403,

61-3-407, 61-3-412, 61-3-415, 61-3-421, 61-3-422, 61-3-425, 61-3-426, 61-3-431, 61-3-433, 61-3-446, 61-3-456, 61-3-458, 61-3-463, 61-3-474, 61-3-479, 61-3-481, 61-3-501, 61-3-503, 61-3-520, 61-3-522, 61-3-527, 61-3-529, 61-3-535, 61-3-560, 61-3-561, 61-3-562, 61-3-701, 61-3-707, 61-3-721, 61-4-101, 61-4-102, 61-4-111, 61-4-112, 61-4-121, 61-4-222, 61-4-223, 61-4-310, 61-5-103, 61-5-111, 61-5-114, 61-5-115, 61-5-121, 61-5-206, 61-5-208, 61-8-442, 61-10-222, 61-11-102, 61-11-105, 61-11-204, 61-11-210, 76-2-202, AND 76-2-302, MCA; REPEALING SECTIONS 15-16-202, 61-3-207, 61-3-209, 61-3-342, AND 61-3-526, MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Customer service accounts -- electronic updates or changes to motor vehicle or driver records.** (1) The department may provide secure electronic applications to permit a person, for specific purposes and as determined by the department, to access or update:

(a) an electronic record of title or registration for any vehicle registered to that person; or

(b) an electronic individual Montana driving record for that person.

(2) Purposes for which a person may access or update an electronic record of title or registration for a vehicle registered to or acquired by the person may include but are not limited to:

(a) issuing a temporary registration permit for a newly acquired vehicle;

(b) renewing vehicle registration on an annual or periodic basis;

(c) updating or changing personal information, including residence or mailing addresses; and

(d) changing the anniversary date and registration period for a vehicle registered to the person.

(3) Purposes for which a person may access or update an electronic individual Montana driving record for that person may include but are not limited to the following:

(a) updating or changing personal information, including residence or

mailing addresses;

(b) obtaining a copy of the person's individual Montana driving record;

(c) paying a reinstatement fee owed to the department; and

(d) applying for a replacement driver's license.

NEW SECTION. **Section 2. Definitions.** (1) In this title, unless the context otherwise requires, the following definitions apply:

(a) "Authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the department's motor vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or purposes upon behalf of a third party.

(b) "Authorized agent agreement" means the written agreement executed between an authorized agent and the department that sets the technical and operational program standards, compliance criteria, payment options, and service expectations by which the authorized agent must operate in performing specific motor vehicle or driver-related record functions.

(c) "County where a vehicle is domiciled" means the county in which the vehicle owner permanently resides or, if a vehicle is owned by a corporation or is leased or used for commercial purposes, the county in which the vehicle is permanently assigned or most frequently used, dispatched, or controlled.

(2) For purposes of this section, "person" means an individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, another state government, the United States, a political subdivision of this or another state, or any other legal or commercial entity.

NEW SECTION. **Section 3. Services that may be performed by authorized agent.** (1) The department may authorize a person to perform, on the department's behalf, specific motor vehicle titling, registration, or driver licensing functions assigned to or administered by the department under Title 23, chapter 2,

parts 5, 6, and 8 or this title. The authorization must be evidenced by an authorized agent agreement.

(2) An authorized agent must meet all of the requirements established by the department.

(3) An authorized agent shall submit to the department or its designee all statutorily prescribed fees, taxes, or penalties the authorized agent collects.

(4) (a) Except where specifically prohibited by statute or the authorized agent agreement, in addition to statutorily prescribed fees, taxes, and penalties, an authorized agent may collect and retain a reasonable convenience fee for services provided.

(b) If an authorized agent is a municipal or county officer, the convenience fee may be charged and collected as permitted under 7-5-2133 or 7-5-4125.

(5) The department may provide an automated mechanism to ensure that any statutorily prescribed fee, tax, or penalty collected by an authorized agent or a county treasurer in a county other than the county where a vehicle is domiciled is transferred to the county treasurer of the county where the vehicle is domiciled.

(6) As used in this section, "person" has the meaning provided in [section 2].

NEW SECTION. **Section 4. Payment of fees by credit card or other commercially acceptable means.** (1) The department may accept payment of any fee, tax, or penalty that the department administers by credit card, debit card, electronic funds transfer, or other commercially acceptable means.

(2) (a) If the payment is made by credit card, debit card, charge card, or similar method, the liability is not discharged and the person has not paid the tax, fee, or penalty until the department, its authorized agent, or the county treasurer receives payment or credit from the financial institution or credit card company responsible for making the payment or credit and as long as the payment or credit is not subsequently charged back to the state by the financial institution or credit card company. Upon receipt of the payment or credit, the amount is

considered paid on the date on which the charge was made by the person unless the payment or credit is subsequently charged back to the department, its authorized agent, or the county treasurer by the financial institution or credit card company.

(b) Upon notice of nonpayment, the department may charge the person who attempted the payment of the fee, tax, or penalty an additional fee not to exceed the costs of processing the claim for payment of the fee, tax, or penalty. The amount of the additional fee must be added to the fee, tax, or penalty due and must be collected in the same manner as the fee, tax, or penalty due.

(3) A person making a payment pursuant to this section shall pay any fee required by a financial institution or credit card company for the payment method used.

NEW SECTION. **Section 5. Motor vehicle electronic commerce operating account.** (1) There is a motor vehicle electronic commerce operating account in the state special revenue fund provided for in 17-2-102.

(2) Fees imposed for issuance of a temporary registration permit under 61-3-224 or a renewal notice under 61-5-111(6)(d) must be deposited in the account.

(3) The money in the motor vehicle electronic commerce operating account must be appropriated to the department of justice and must be used by the department to pay costs directly incurred in the operation, maintenance, and enhancement of electronic commerce applications, including but not limited to payments to third-party vendors who provide services to support the applications.

NEW SECTION. **Section 6. Address of record -- basis for change -- acknowledgment of current address and service -- national change of address program.** (1) (a) Whenever a person completes and submits a department-prescribed form, application, or similar document to the department, an authorized agent, or a county treasurer under Title 23 or this title or whenever a person is issued a notice to appear for a violation of a statute or a municipal ordinance regulating

the operation of motor vehicles on highways, the person shall provide the person's current address on the form, application, or similar document or to the peace officer issuing the notice to appear.

(b) By manually or digitally signing the prescribed form, application, or similar document authorizing the electronic submission of the document to the department or providing the information to a peace officer, the person acknowledges that:

(i) the address is correct;

(ii) subject to the provisions of subsection (2)(b), any official notice from the department, including an order of suspension or revocation or mail renewal notice, must be sent by prepaid first-class mail to the most recent address on:

(A) the signed form, application, or similar document; or

(B) if a conviction or bond forfeiture resulting from the notice to appear that was issued, the notice to appear; and

(iii) subject to the provisions of subsection (2)(b), the notice from the department must be considered to have been accepted by the person at that address.

(2) (a) The department may contract with the United States postal service or an authorized agent to use the national change of address system for the purpose of obtaining current address information for a person whose name appears in a motor vehicle or driver record maintained by the department.

(b) If the department receives information from the national change of address system that indicates that a person whose name appears in a record has moved to another address, the department may update its records to include the new address and, after that date or until the person notifies the department, use the new address to correspond with or notify the person by first-class mail.

Section 7. Section 7-14-112, MCA, is amended to read:

"7-14-112. Senior citizen and persons with disabilities transportation services account -- use. (1) There is a senior citizen and persons with disabilities transportation services account in the state special revenue fund.

Money must be deposited in the account pursuant to ~~61-3-321(6)(a)~~ 61-3-321(5)(a).

(2) Except as provided in subsection (6), the account must be used to provide operating funds to counties, incorporated cities and towns, transportation districts, or nonprofit organizations for transportation services for persons 60 years of age or older and for persons with disabilities.

(3) (a) Subject to the conditions of subsection (3)(b), the department of transportation is authorized to award grants to counties, incorporated cities and towns, transportation districts, and nonprofit organizations for transportation services using guidelines established in the state management plan for the purposes described in 49 U.S.C. 5310 and 5311.

(b) Priority for awarding grants must be determined according to the following factors:

(i) the most recent census or federal estimate of persons 60 years of age or older and persons with disabilities in the area served by a county, incorporated city or town, transportation district, or nonprofit organization;

(ii) the annual number of trips provided by the transportation provider to persons 60 years of age or older and to persons with disabilities in the transportation service area;

(iii) the ability of the transportation provider to provide matching money in an amount determined by the department of transportation; and

(iv) the coordination of services as required in subsection (5).

(4) The department of transportation shall ensure that the available funding is distributed equally among the five transportation districts provided in 2-15-2502.

(5) In awarding grants, the department of transportation shall give preference to proposals that:

(a) include the establishment of a transit authority to coordinate service area or regional transportation services;

(b) address and document the transportation needs within the community, county, and service area or region;

(c) identify all other transportation providers in the community, county,

and service area or region;

(d) explain how services are going to be coordinated with the other transportation providers in the service area or region;

(e) indicate how services are going to be expanded to meet the unmet needs of senior citizens and disabled persons within the community, county, and service area or region who are dependent upon public transit;

(f) include documentation of coordination with other local transportation programs within the community, county, and service area or region, including:

(i) utilization of existing resources and equipment to maximize the delivery of service; and

(ii) the projected increase in ridership and expansion of service;

(g) invite school districts to participate or be included in the transportation coordination efforts within the community, county, and service area or region; and

(h) at a minimum, comply with the provisions in subsections (5)(b) through (5)(f).

(6) Any amount of money remaining after grants have been awarded to transportation providers who provide transportation services for persons 60 years of age or older and persons with disabilities may be awarded to other transportation providers for operating costs for the purposes described in 49 U.S.C. 5311 other than for transportation services for persons 60 years of age or older or persons with disabilities."

Section 8. Section 10-3-1307, MCA, is amended to read:

"**10-3-1307. Responsibilities of department of transportation -- assessment and collection of fees -- issuance of permits -- inspection of motor carriers.** (1) After receiving notification from the person or entity that plans to ship high-level radioactive waste or transuranic waste through the state, the department of transportation shall assess fees according to the following schedule:

(a) a fee of $2,500 must be assessed for each cask designed for transport

by truck; and

(b) a fee of $4,500 must be assessed for the first cask designed for transport by rail and a fee of $3,000 for each additional cask designed for transport by rail that is shipped by the same person or entity in the same shipment.

(2) Payment of the fees provided in subsection (1) is the responsibility of the person or entity who owns the waste.

(3) Upon receipt of the fees provided in subsection (1), the department of transportation shall issue to the owner of the waste a permit that must be carried with the waste as it is traveling through the state.

(4) The department of transportation shall deposit all of the fees collected under this section in the radioactive waste transportation monitoring, emergency response, and training account created in 10-3-1304.

(5) If the waste is to be transported through the state by motor carrier, the department of transportation shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services division.

(6) This section does not exempt the operator of a motor carrier from any of the provisions of Title 61, chapter 10, from Title 69, chapter 12, or from any other law that applies to the operation of motor vehicles in Montana.

(7) Fees under this section must be assessed regardless of ownership, and ~~61-3-321(5)~~ 61-3-321(4) and 61-10-127 do not apply."

Section 9. Section 15-1-101, MCA, is amended to read:

"15-1-101. Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, biological control insects, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and the profit margin shown in national appraisal guides and manuals or the valuation schedules of the department.

(d) (i) The term "commercial", when used to describe property, means property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except property described in subsection (1)(d)(ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes and manufactured homes used exclusively as a residence except when held by a distributor or dealer as stock in trade; and

(E) all property described in 15-6-135.

(e) The term "comparable property" means property that:

(i) has similar use, function, and utility;

(ii) is influenced by the same set of economic trends and physical, governmental, and social factors; and

(iii) has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) (i) "Department", except as provided in subsection (1)(g)(ii), means the department of revenue provided for in 2-15-1301.

(ii) In chapters 70 and 71, department means the department of transportation provided for in 2-15-2501.

(h) The terms "gas" and "natural gas" are synonymous and mean gas as

defined in 82-1-111(2). The terms include all natural gases and all other fluid hydrocarbons, including methane gas or any other natural gas found in any coal formation.

(i) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department determines that the permanency of location of a mobile home, manufactured home, or housetrailer has been established, the mobile home, manufactured home, or housetrailer is presumed to be an improvement to real property. A mobile home, manufactured home, or housetrailer may be determined to be permanently located only when it is attached to a foundation that cannot feasibly be relocated and only when the wheels are removed.

(j) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification, and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on leasehold improvements are a lien only on the leasehold improvements.

(k) The term "livestock" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

(l) (i) The term "manufactured home" means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards.

(ii) A manufactured home does not include a mobile home, as defined in ~~61-1-501 and in~~ subsection (1)(m) ~~of this section, a housetrailer, as defined in 61-1-501~~, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(m) The term "mobile home" means forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in

width or 45 feet in length used as a principal residence.

(n) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements" and "intangible personal property" as that term is defined in 15-6-218.

(o) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(p) The term "property" includes money, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition may not be construed to authorize the taxation of the stocks of a company or corporation when the property of the company or corporation represented by the stocks is within the state and has been taxed.

(q) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8;

(iii) all timber belonging to individuals or corporations growing or being on the lands of the United States; and

(iv) all rights and privileges appertaining to mines, minerals, quarries, and timber.

(r) "Recreational" means hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling.

(s) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(t) The term "stock in trade" means any mobile home, manufactured home, or housetrailer that is listed by the dealer as inventory and that is offered for sale, is unoccupied, and is not located on a permanent foundation. Inventory does not have to be located at the business location of a dealer or a distributor.

(u) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" includes a county, city, incorporated town, township, school district, irrigation district, or drainage district or a person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification means the state tax appeal board."

Section 10. Section 15-1-116, MCA, is amended to read:

"**15-1-116. Manufactured home considered as improvement to real property -- requirements.** (1) A manufactured home will be considered for tax purposes an improvement to real property if:

(a) the running gear is removed; and

(b) the manufactured home is attached to a permanent foundation on land that is owned or being purchased by the owner of the manufactured home or, if the land is owned by another person, with the permission of the landowner.

(2) To eliminate a manufacturer's certificate of origin properly assigned to an owner or a certificate of title of a manufactured home, an owner may file a statement of intent on a form furnished by the department of justice.

(3) The statement of intent must include:

(a) the serial number of the manufactured home;

(b) the legal description of the real property to which the manufactured home has been permanently attached;

(c) a description of any security interests in the manufactured home; and

(d) approval from all lienholders of the intent to eliminate the certificate of title.

(4) (a) The owner shall present the statement of intent to the county treasurer of the county in which the manufactured home is located and shall surrender the certificate of title. ~~Upon payment of the fee required in 61-3-203, the county treasurer shall:~~

~~(i) enter the transfer of interest on the electronic record of title;~~

~~(ii) issue the owner a transaction summary receipt; and~~

~~(iii) forward the statement of intent and the surrendered certificate of title to the department of justice.~~

(b) The county treasurer may not issue ~~the~~ a receipt unless all taxes, interest, and penalties on the manufactured home have been paid in full. ~~The county treasurer shall remit the fee to the department for deposit in the state general fund.~~

(5) Upon the recording of the statement of intent and the receipt of surrender, the manufactured home may not be physically removed without the consent of all persons who have an interest in the manufactured home.

(6) A manufactured home that has been declared an improvement to real property in accordance with this section must be treated by the department and by lending institutions in the same manner as any other residence that is classified as an improvement."

Section 11. Section 15-1-117, MCA, is amended to read:

"15-1-117. Reversal of declaration -- exception. (1) Before a manufactured home can be physically removed from its location, the owner shall obtain a search of the title to the land from a title insurance company in order to identify those persons or entities whose consent for removal must be obtained. The owner shall obtain permission in writing from the affected persons or entities before removing the manufactured home from its location.

(2) At least 30 days before the manufactured home is removed, the owner shall give written notice to the department and the county treasurer in which the home is currently located of the intended removal of the home. The written notice must include the written consents of the affected persons or entities identified

in subsection (1). The owner may not remove the home until the written consents are received and all of the taxes that have been assessed have been paid in full to the county treasurer, as evidenced by issuance of a tax-paid receipt allowing movement of the manufactured home under 15-24-206.

~~(3) Within 5 days of the removal of the home, the purchaser shall make a declaration of reversal and apply for a certificate of title for the manufactured home from the department of justice in accordance with the provisions of Title 61, chapter 3, part 2.~~"

Section 12. Section 15-1-121, MCA, is amended to read:

"**15-1-121. Entitlement share payment -- appropriation.** (1) The amount calculated pursuant to this subsection is each local government's base entitlement share. The department shall estimate the total amount of revenue that each local government received from the following sources for the fiscal year ending June 30, 2001:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle and boat taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;

(x) 61-10-148; and

(xi) 67-3-205;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the

permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

(iii) 25-1-1103;

(iv) 25-9-506;

(v) 25-9-804; and

(vi) 27-9-103;

~~(e) certificate of title fees for manufactured homes pursuant to 15-1-116;~~

~~(f)~~(e) financial institution taxes pursuant to Title 15, chapter 31, part 7;

~~(g)~~(f) coal severance taxes allocated for county land planning pursuant to 15-35-108;

~~(h)~~(g) all beer, liquor, and wine taxes pursuant to:

(i) 16-1-404;

(ii) 16-1-406; and

(iii) 16-1-411;

~~(i)~~(h) late filing fees pursuant to 61-3-220;

~~(j)~~(i) title and registration fees pursuant to 61-3-203;

~~(k)~~(j) veterans' cemetery license plate fees pursuant to 61-3-459;

~~(l)~~(k) county personalized license plate fees pursuant to 61-3-406;

~~(m)~~(l) special mobile equipment fees pursuant to 61-3-431;

~~(n)~~(m) single movement permit fees pursuant to 61-4-310;

~~(o)~~(n) state aeronautics fees pursuant to 67-3-101; and

~~(p)~~(o) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.

(2) (a) From the amounts estimated in subsection (1) for each county government, the department shall deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by the state in fiscal year 2002.

(b) The amount estimated pursuant to subsections (1) and (2)(a) is each local government's base year component. The sum of all local governments' base year components is the base year entitlement share pool. For the purpose of calculating the sum of all local governments' base year components, the base year component for a local government may not be less than zero.

(3) (a) ~~Beginning with fiscal year 2002 and in~~ In each ~~succeeding~~ fiscal year, the base year entitlement share pool must be increased annually by a growth rate as provided for in this subsection (3). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year. ~~For fiscal year 2002, the growth rate is 3%. For fiscal year 2003, the growth rate is 3% for incorporated cities and towns, 1.61% for counties, and 2.3% for consolidated local governments. Beginning with calendar year 2002, by~~ By October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:

~~(i) Before applying the growth rate for fiscal year 2004 to determine the fiscal year 2004 entitlement share pool, the department shall add to the fiscal year 2003 entitlement share pool the fiscal year 2003 amount of revenue actually distributed to the county from the 25-cent marriage license fee in 50-15-301 and the probation and parole fee in 46-23-1031(2)(b).~~

~~(ii)~~(i) The department shall calculate the average annual growth rate of the Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection ~~(3)(a)(ii)(A)~~ (3)(a)(i)(A).

~~(iii)~~(ii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published;

and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection ~~(3)(a)(iii)(A)~~ (3)(a)(ii)(A).

(b) (i) For ~~fiscal year 2004 and subsequent~~ each fiscal ~~years~~ year, the entitlement share pool growth rate for the first year of the biennium must be the following percentage of the average of the growth rates calculated in subsections ~~(3)(a)(ii)(B)~~ (3)(a)(i)(B) and ~~(3)(a)(iii)(B)~~ (3)(a)(ii)(B):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(ii) The entitlement share pool growth rate for the second year of the biennium must be the following percentage of the average of the growth rates calculated in subsections ~~(3)(a)(ii)(A)~~ (3)(a)(i)(A) and ~~(3)(a)(iii)(A)~~ (3)(a)(ii)(A):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(4) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (6). For purposes of calculating the base year component for a county or consolidated local government, the department shall include the revenue listed in subsection (1) for all special districts within the county or consolidated local government. The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources listed in subsection (1).

(5) (a) The entitlement share pools calculated in this section and the block grants provided for in subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to

local governments. Each local government is entitled to a pro rata share of each year's entitlement share pool based on the local government's base component in relation to the base year entitlement share pool. The distributions must be made on a quarterly basis ~~beginning September 15, 2001~~.

(b) (i) ~~For fiscal year 2002, the growth amount is the difference between the fiscal year 2002 entitlement share pool and the base year entitlement share pool. For fiscal year 2002, a county may have a negative base year component.~~ For ~~fiscal year 2003 and~~ each ~~succeeding~~ fiscal year, the growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. For the purposes of subsection (5)(b)(ii)(A), a county with a negative base year component has a base year component of zero. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the base year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the base year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage

that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the base year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool not represented by the growth amount is distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

~~(vi) For fiscal year 2002, an amount equal to the district court costs identified in subsection (2) must be added to each county government's distribution from the entitlement share pool.~~

~~(vii) For fiscal year 2002, an amount equal to the district court fees identified in subsection (1)(d) must be subtracted from each county government's distribution from the entitlement share pool.~~

(6) (a) If a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any block grant. If a tax increment financing district referred to in subsection (6)(b) terminates, then the block grant provided for in subsection (6)(b) terminates.

(b) One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and the other half by May 31 of each year. Subject to

subsection (6)(a), the entitlement share for tax increment financing districts is as follows:

Cascade	Great Falls - downtown	$468,966
Deer Lodge	TIF District 1	3,148
Deer Lodge	TIF District 2	3,126
Flathead	Kalispell - District 1	758,359
Flathead	Kalispell - District 2	5,153
Flathead	Kalispell - District 3	41,368
Flathead	Whitefish District	164,660
Gallatin	Bozeman - downtown	34,620
Lewis and Clark	Helena - #2	731,614
Missoula	Missoula - 1-1B & 1-1C	1,100,507
Missoula	Missoula - 4-1C	33,343
Silver Bow	Butte - uptown	283,801
Yellowstone	Billings	436,815

(c) The entitlement share for industrial tax increment financing districts is as follows:

~~(i) for fiscal years 2002 and 2003:~~

~~Missoula County Airport Industrial $4,812~~

~~Silver Bow Ramsay Industrial 597,594;~~

~~(ii)~~(i) for fiscal ~~years 2004 and~~ year 2005:

Missoula County	Airport Industrial	$2,406
Silver Bow	Ramsay Industrial	298,797; and

~~(iii)~~(ii) $0 for all succeeding fiscal years.

(d) The entitlement share for industrial tax increment financing districts referred to in subsection (6)(c) may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the tax increment financing industrial district.

(e) One-half of the payments provided for in subsection (6)(c) must be made by July 30, and the other half must be made in December of each year.

(7) The estimated base year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from countywide transportation block grants or from countywide retirement block grants.

(8) The estimates for the base year entitlement share pool in subsection (1) must be calculated as if the fees in Chapter 515, Laws of 1999, were in effect for all of fiscal year 2001.

(9) (a) If revenue that is included in the sources listed in subsections (1)(b) through ~~(1)(p)~~ (1)(o) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share pool beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of revenue.

(b) For the purposes of subsection (9)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year.

(10) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through (3).

(11) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(12) A local government may appeal the department's estimation of the base year component, the entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(13) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1."

Section 13. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, $36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) $75,000 in fiscal year 2003;~~

~~(b)~~(a) $0 in fiscal ~~years 2004 and~~ year 2005;

~~(c)~~(b) $3,050,205 in fiscal year 2006; and

~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) $2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) $1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and $5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) $1 in fiscal year 2006 and, in each subsequent year, $2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803; and

(ii) for vehicles registered or ~~reregistered~~ for which registration is

renewed pursuant to 61-3-321:

(A) $1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and

(B) $1.50 in fiscal year 2006 and, in each subsequent year, $3.65 for each motorcycle and quadricycle; and

(C) $7.50 for each permanently registered light vehicle;

(c) to the department of fish, wildlife, and parks:

(i) $2.50 in fiscal year 2006 and, in each subsequent year, $14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) $5 in fiscal year 2006 and, in each subsequent year, $19 for each snowmobile registered under 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) $1 for each duplicate snowmobile registration decal issued under 23-2-617;

(iv) $5 in fiscal year 2006 and, in each subsequent year, $13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, $3.50 in fiscal year 2006 and, in each subsequent year, $8 for each recreational vehicle, motor home, and travel trailer registered or ~~reregistered~~ for which registration is renewed and subject to the fee in 61-3-321;

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and

(vii) to the state special revenue fund established in 23-1-105, $4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to ~~61-3-321(11)(a)~~ 61-3-321(10)(a), with $3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;

(d) to the state veterans' cemetery account, provided for in 10-2-603, $10 for each veteran's license plate subject to the fee in 61-3-459;

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:

(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;

(f) 25 cents a year for each registered vehicle and $1.25 for each permanently registered vehicle subject to the fee in ~~61-3-321(6)~~ 61-3-321(5) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;

(g) to the search and rescue account provided for in 10-3-801:

(i) $2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;

(ii) $2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and

(iii) $2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803; and

(h) 50 cents a year for each vehicle subject to the fee in ~~61-3-321(7)~~ 61-3-321(6) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).

(4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of

vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or ~~reregistered~~ for which registration is renewed. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

Section 14. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department shall, between January 1 and the first Monday of August in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county.

(2) The department shall assess property to:

(a) the person by whom it was owned or claimed or in whose possession or control it was at midnight of the preceding January 1; or

(b) except in the case of land splits, the new owner if the provisions of 15-7-304 have been met and the transfer certificate has been received and processed prior to determining the taxes that are due as provided in 15-10-305(2).

(3) The department shall also ascertain and assess all mobile homes arriving in the county after midnight of the preceding January 1.

(4) A mistake in the name of the owner or supposed owner of real property does not invalidate the assessment.

(5) The procedure provided by this section does not apply to:

(a) motor vehicles;

(b) motor homes, travel trailers, and campers;

(c) watercraft, snowmobiles, and off-highway vehicles;

(d) livestock;

(e) property defined in 61-1-104 as special mobile equipment that is

subject to assessment for personal property taxes on the date that application is made for a special mobile equipment ~~plate~~ decal;

(f) mobile homes and manufactured homes held by a distributor or dealer as stock in trade; and

(g) property subject to the provisions of 15-16-203."

Section 15. Section 15-8-202, MCA, is amended to read:

"15-8-202. Motor vehicle assessment by department of justice. (1) (a) The department of justice shall determine the registration fee on light vehicles in accordance with 61-3-560 through 61-3-562.

(b) For the purposes of the local option vehicle tax under 61-3-537, the department of justice shall assess all light vehicles~~, subject to 61-3-313 through 61-3-316 and 61-3-501, for taxation~~ in accordance with 61-3-503.

(c) The department of justice shall determine the fee in lieu of tax for all buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors in accordance with 61-3-528 and 61-3-529.

(d) Taxes, registration fees, or fees in lieu of tax on a motor vehicle under this subsection (1) must be assessed or imposed in each year on the person ~~who owned or claimed the motor vehicles or in whose possession or control the motor vehicle was on the anniversary registration date~~ to whom the vehicle is registered.

~~(2) A tax or fee in lieu of tax may not be assessed or imposed against motor vehicles subject to taxation or to a fee in lieu of tax that constitute inventory of motor vehicle dealers as of January 1. These vehicles and all other motor vehicles subject to taxation or a fee in lieu of tax that are brought into the state after January 1 as motor vehicle dealers' inventories must be assessed to their respective purchasers as of the dates the vehicles are registered by the purchasers.~~

~~(3) "Purchasers" includes dealers who apply for registration or reregistration of motor vehicles.~~

~~(4) Goods, wares, and merchandise of motor vehicle dealers, other than new~~

~~motor vehicles and new mobile homes, must be assessed at market value as of January 1.~~

~~(5)~~(2) (a) The department of justice is authorized to appear in any proceeding before a county tax appeal board, the state tax appeal board, or a court that seeks to dispute an assessment made by the department pursuant to the authority granted under this section.

(b) For the purposes of proceedings before county tax appeal boards or the state tax appeal board, service of the application required under 15-15-201 must be made on the attorney general. A copy of any application giving rise to a proceeding before a county tax appeal board or the state tax appeal board must also be served on the county treasurer of the county in which the vehicle that is the subject of the proceeding was registered."

Section 16. Section 15-15-201, MCA, is amended to read:

"**15-15-201. Motor vehicle tax appeals -- payment and protest of local option taxes or fees in lieu of tax on motor vehicles.** (1) (a) A taxpayer who seeks to appeal the imposition of local option taxes on light vehicles or fees in lieu of tax assessed against a motor vehicle and imposed by the department of justice under authority of 15-8-202 shall file a written application for the appeal not later than 30 days after ~~the anniversary date for reregistration, as determined by 61-3-315, of the vehicle that is the subject of the appeal~~ receipt of the mail renewal notice from the department as provided in 61-3-535. The application must be on a form prescribed by the department of justice in consultation with the state tax appeal board.

(b) The application must include a specific explanation of the basis for the taxpayer's appeal. The basis for appeal must be related to the factors to be considered and applied by the department of justice under 61-3-503, 61-3-506, 61-3-528, and 61-3-529.

(2) (a) The treasurer of the county or municipality is not required to deposit local option vehicle taxes or fees in lieu of tax on a motor vehicle paid under protest in the special fund designated as a protest fund as required for

property taxes under 15-1-402. The taxes or fees paid under protest may be reported and distributed in the same manner as those received without protest.

(b) If a refund is payable as a result of the taxpayer prevailing in a tax appeal or court proceeding concerning the protested motor vehicle taxes or fees, a refund may be made in accordance with 15-16-603.

(3) (a) A motor vehicle tax appeal may be heard by the county tax appeal board during its next regularly scheduled session if the application for the appeal was filed by December 1. If during its current session, a county tax appeal board refuses or fails to hear a taxpayer's application that was timely filed by December 1, then the taxpayer's application is considered to be granted on the day following the board's final meeting for that year.

(b) A motor vehicle tax appeal filed after December 1 may be held over by the board to a session in the following year. If a taxpayer's application that was timely filed after December 1 of the current session of the county tax appeal board is held over to a session in the following year and if the county tax appeal board refuses or fails to hear the application during the following session, then the application is considered to be granted on the day following the board's final meeting for that year."

Section 17. Section 15-24-301, MCA, is amended to read:

"**15-24-301. Personal property brought into the state -- assessment -- exceptions -- custom combine equipment.** (1) Except as provided in subsections (2) through (5), property in the following cases is subject to taxation and assessment for all taxes levied that year in the county in which it is located:

(a) personal property, excluding livestock, brought into this state at any time during the year that is used in the state for hire, compensation, or profit;

(b) property whose owner or user is engaged in gainful occupation or business enterprise in the state; or

(c) property that becomes a part of the general property of the state.

(2) The taxes on this property are levied in the same manner, except as otherwise provided, as though the property had been in the county on the regular

assessment date, provided that the property has not been regularly assessed for the year in some other county of the state.

(3) This section does not levy a tax against a merchant or dealer within this state on goods, wares, or merchandise brought into the county to replenish the stock of the merchant or dealer.

(4) Except as provided in 15-6-217, a motor vehicle ~~subject to the registration fee imposed by 61-3-560 and 61-3-561~~ that is brought into this state by a nonresident person temporarily employed in Montana and used exclusively for transportation of the person is subject to registration ~~fees as follows:~~

~~(a) The motor vehicle fee is imposed by the county in which it is located~~ under 61-3-701.

~~(b) One-fourth of the annual fee of the motor vehicle must be paid for each quarter or portion of a quarter of the year that the motor vehicle is located in Montana.~~

~~(c) The quarterly fees are due the first day of the quarter.~~

(5) Agricultural harvesting machinery classified under class eight, licensed in another state, and operated on the land of a person other than the owner of the machinery under a contract for hire is subject to a fee in lieu of tax of $35 for each machine for the calendar year in which the fee is collected. The machinery is subject to taxation under class eight only if the machinery is sold in Montana."

Section 18. Section 15-24-302, MCA, is amended to read:

"15-24-302. Collection procedure. All property mentioned in 15-24-301 is assessed at the same value as property of like kind and character, and the assessment, levy, and collection of the tax are governed by the provisions of 15-8-408, 15-16-115, 15-16-119, 15-16-404, 15-17-911, and 15-24-202, except~~:~~

~~(1) the imposition of registration fees on motor vehicles under 15-24-301(4) to the extent that subsection varies from the general provisions cited in this section; and~~

~~(2)~~ livestock taxation governed by 81-7-104 and Title 81, chapter 7, part

2."

Section 19. Section 19-6-709, MCA, is amended to read:

"19-6-709. (Temporary) Supplemental benefits for certain retirees. (1) In addition to any retirement benefit payable under this chapter, a retired member or a survivor determined by the board to be eligible under subsection (2) must receive an annual lump-sum benefit payment beginning in September 1991 and each succeeding year as long as the member remains eligible.

(2) To be eligible for the benefits under this section, a person must be receiving a monthly benefit before July 1, 1991, may not be covered by 19-6-710, and must be:

(a) a retired member who is 55 years of age or older and who has been receiving a service retirement benefit for at least 5 years prior to the date of distribution;

(b) a survivor of a member who would have been eligible under subsection (2)(a); or

(c) a recipient of a disability benefit under 19-6-601 or a survivorship benefit under 19-6-901.

(3) A retired member otherwise qualified under this section who is employed in a position covered by a retirement system under Title 19 is ineligible to receive any lump-sum benefit payments provided for in this section until the member's service in the covered position is terminated. Upon termination of the member's service, the retired member becomes eligible in the next fiscal year succeeding the member's termination.

(4) The amount of fees transferred to the pension trust fund pursuant to 15-1-122(3)(e), ~~61-3-527(4)~~ 61-3-527(3), and 61-3-562(1)(b) must be distributed proportionally as a lump-sum benefit payment to each eligible recipient based on service credit at the time of retirement, subject to the following:

(a) a recipient under subsection (2)(c) is considered to have 20 years of service credit for the purposes of the distributions;

(b) any recipient of a retirement benefit exceeding the maximum monthly

benefit under 19-6-707(2)(a) must have the recipient's service credit reduced 25% for the purposes of the distributions;

(c) the maximum annual increase in the amount of supplemental benefits paid to each individual under this section is the percentage increase for the previous calendar year in the annual average consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the United States department of labor or its successor agency. (Terminates upon death of last eligible recipient--sec. 1, Ch. 567, L. 1991.)"

Section 20. Section 23-1-105, MCA, is amended to read:

"**23-1-105. Fees and charges.** (1) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is not subject to the deposit requirements of 17-6-105. The department shall deposit money collected under this section within a reasonable time after receipt.

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing state park visitor services revenue.

The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection.

(6) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in ~~61-3-321(11)(a)~~ 61-3-321(10)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department."

Section 21. Section 23-2-502, MCA, is amended to read:

"**23-2-502. Definitions.** As used in this part, unless the context clearly requires a different meaning, the following definitions apply:

(1) "Certificate of number" means the certificate issued by the county treasurer to the owner of a motorboat or by the department of justice to dealers or manufacturers, assigning the motorboat an identifying number and containing other information as required by the department of justice.

(2) "Dealer" means a person who engages in whole or in part in the business of buying, selling, or exchanging new and unused vessels or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade, and display of vessels. A yacht broker is a dealer.

(3) "Department" means the department of fish, wildlife, and parks of the state of Montana.

(4) "Documented vessel" means a vessel that has and is required to have a valid marine document as a vessel of the United States.

(5) "Identifying number" means the boat number set forth in the certificate of number and properly displayed on the motorboat.

(6) "Lienholder" means a person holding a security interest.

(7) "Manufacturer" means a person engaged in the business of manufacturing or importing new and unused vessels or new and unused outboard motors for the purpose of sale or trade.

(8) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

(b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard or any successor federal agency.

(9) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(10) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a motorboat or vessel.

(11) (a) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest in another person, reserved or created by an agreement securing payment or performance of an obligation.

(b) The term does not include a lessee under a lease not intended as security.

(12) "Passenger" means each person carried on board a vessel other than:

(a) the owner or the owner's representative;

(b) the operator;

(c) bona fide members of the crew engaged in the business of the vessel who have not contributed any consideration for their carriage and who are paid for their services; or

(d) a guest on board a vessel that is being used exclusively for pleasure

purposes who has not contributed any consideration, directly or indirectly, for the guest's carriage.

(13) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(14) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

(15) "Registration decal" means an adhesive sticker produced by the department of justice and issued by the department of justice, ~~its~~ an authorized agent, as defined in [section 2], or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft as proof of payment of all fees imposed on the motorboat, sailboat, or personal watercraft for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

(16) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

(17) "Security interest" means an interest that is reserved or created by an agreement that secures payment or performance of an obligation and is valid against third parties generally.

(18) "Uniform state waterway marking system" means one of two categories:

(a) a system of aids to navigation to supplement the federal system of marking in state waters;

(b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information and directions.

(19) "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(20) "Waters of this state" means any waters within the territorial limits

of this state."

Section 22. Section 23-2-511, MCA, is amended to read:

"**23-2-511. Operation of unnumbered motorboats prohibited -- display of registration decal.** (1) A motorboat on the waters of this state, propelled by a motor or an engine of any description, must be properly numbered and display a valid registration decal. A person may not operate or give permission for the operation of any motorboat on the waters of this state unless the motorboat is numbered and displays a valid registration decal in accordance with this part and applicable federal law or with a federally approved numbering system of another state and unless:

(a) the certificate of number assigned to the motorboat is in effect;

(b) the identifying number set forth in the certificate of number and the valid license decals are displayed on the motorboat; and

(c) a temporary permit has been obtained from the county in which the boat is being operated if that county requires a temporary permit for out-of-state motorboats, as provided in 7-16-2121.

(2) Upon transfer of ownership of a motorboat from a registered boat dealer or manufacturer, the transferred motorboat may be operated on the waters of this state for ~~30~~ 40 consecutive calendar days immediately following the transfer of ownership without displaying the numbers and registration decal required by subsection (1) if when the motorboat is operated during those ~~30~~ 40 consecutive calendar days, a ~~bill of sale or other evidence of transfer reciting the date of the transfer of ownership is retained in the motorboat~~ temporary registration permit has been issued under 61-3-224 and is exhibited to a warden or other officer upon request."

Section 23. Section 23-2-513, MCA, is amended to read:

"**23-2-513. Dealer's or manufacturer's identifying number -- premises -- inspection -- bond -- judgment -- temporary registration permit.** (1) A dealer or manufacturer may apply directly to the department of justice for one identifying

number and one or more certificates of number. A dealer's or manufacturer's identifying number must be displayed on a dealer's or manufacturer's boat while the boat is operating for a purpose related to the buying, selling, or exchanging of the boat by the dealer or manufacturer.

(2) The application for a dealer's or manufacturer's identifying number must include the dealer's or manufacturer's name and business address. Each dealer or manufacturer must have one identifying number assigned to the dealer's or manufacturer's business.

(3) An application for a dealer's or manufacturer's identifying number and a certificate of number must be accompanied by the following fees:

(a) for the identifying number, first certificate of number, and registration decal, $5;

(b) for each additional certificate of number and registration decal applied for in any application, $2.

(4) The department of justice shall issue certificates of number for the identifying number assigned to a dealer or manufacturer in the same manner as provided in 23-2-512(1) and (8), except that a boat may not be described in a certificate and each certificate must state that the identifying number has been assigned to a dealer or manufacturer. A dealer's or manufacturer's certificate of number expires on December 31 of the year for which it is issued.

(5) A dealer's or manufacturer's identifying number must be displayed in the same manner as provided in 23-2-512(8), except that the number may be temporarily attached. The last three letters must be "DLR" for dealer and "MFR" for manufacturer. These letters must be included, respectively, in dealer or manufacturer identification numbers.

(6) A person other than a dealer or manufacturer or an employee of a dealer or manufacturer may not display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats owned by the dealer or manufacturer.

(7) A dealer or manufacturer or an employee of a dealer or manufacturer may not use a dealer's or manufacturer's identifying number for any purpose other than

the purpose described in subsection (1).

(8) A dealer shall maintain a principal place of business, coinciding with the business address listed on the application, where all business records are maintained and where the dealer displays, sells, and services merchandise. The dealer shall display a sign at the place of business that clearly states the name of the business. The premises of the dealer's principal place of business must be inspected by an official of the department of justice to ensure compliance with this section.

(9) To qualify for renewal of a boat dealer's license, the dealer shall certify to the department of justice, upon application for renewal, that the dealer sold five or more boats during the previous license year. If five or more boats were not sold, an additional fee of $50 is required for renewal of the dealer's license.

(10) (a) The applicant for a boat dealer's license shall file with the application a bond of $5,000. The bond must be conditioned that the applicant will conduct the business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department of justice and filed in its office, and must be renewed annually.

(b) A person who suffers loss or damage because of the unlawful conduct of a dealer licensed under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. The judgment must determine a specific loss or damage amount and conclude that the licensee's unlawful operation caused the loss or damage before payment on the bond is required.

(11) ~~Prior to~~ Within 30 days following the delivery of a motorboat or a sailboat 12 feet in length or longer to a purchaser, the dealer shall ~~issue and affix to a motorboat or a sailboat constructed after October 31, 1972, a temporary registration permit, as defined in 61-1-603~~ forward an application for certificate of title executed by the purchaser and the assigned manufacturer's certificate of origin or certificate of title for the motorboat or sailboat to the office of the county treasurer in the county where the owner resides. ~~The temporary registration~~

~~permit expires 30 days after the date of issuance. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.~~ If the dealer is an authorized agent, as defined in [section 2], a temporary registration permit may be issued upon delivery of the motorboat or sailboat to the purchaser in accordance with 61-3-224."

Section 24. Section 23-2-515, MCA, is amended to read:

"**23-2-515. Registration decal to be displayed.** (1) A Montana motorboat, sailboat, or personal watercraft numbered in accordance with the provisions of 23-2-512 or 23-2-513 must display a registration decal. For this purpose the county treasurer, upon proof of payment of the fee in lieu of tax as required by ~~15-16-202~~ 23-2-517 for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, or personal watercraft, shall issue a registration decal prepared and furnished by the department of justice with all new certificates of number and, if applicable, all renewals of the certificates of number.

(2) (a) The registration decal must be of a style and design prescribed by the department of justice.

(b) The registration decal must be serially numbered.

(c) The registration decals issued for a motorboat or sailboat do not expire while the motorboat or sailboat remains in the same ownership.

(3) A registration decal must be displayed on the left side of the forward half, 3 inches aft of the identifying numbers."

Section 25. Section 23-2-616, MCA, is amended to read:

"**23-2-616. Registration and registration decal -- application and issuance -- use of certain fees.** (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person unless it has been registered and a registration decal is displayed in a conspicuous place on the left side of the cowl.

(2) (a) A Montana resident who owns a snowmobile operated on public land

shall register the snowmobile at the county treasurer's office in the county where the owner resides.

(b) A county treasurer shall register a snowmobile if:

(i) as of the date that the snowmobile is to be registered, the owner delivers or has delivered an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer has confirmed that the department of justice has an electronic record of title for the snowmobile as provided in 61-3-101.

(c) To register a snowmobile, the county treasurer shall update the electronic record of title maintained by the department of justice, by entering the fees paid and recording any changes to the record.

(3) The owner registering a snowmobile shall pay a registration fee of ~~$6.50 in calendar year 2004 and, in each subsequent year,~~ $20.50 ~~and, if the snowmobile has previously been registered, show the county treasurer the registration receipt for the most recent year in which the snowmobile was registered~~. Upon payment of the proper fees, including the fee in lieu of tax under 23-2-626, the treasurer shall issue a registration receipt that contains information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the application to the department of justice and shall issue to the applicant a registration decal in the style and design prescribed by the department of justice.

(5) The county treasurer may not register a snowmobile under this section unless the applicant has paid the registration fee and the fee in lieu of property tax on the snowmobile as required by ~~15-16-202~~ 23-2-626.

(6) All money collected from payment of registration fees and all interest accruing from use of this money must be forwarded to the department of revenue, as provided in 15-1-504, for deposit in the state general fund.

(7) The county treasurer shall credit all fees in lieu of tax collected on

snowmobiles to the state general fund.

(8) The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner shall pay the fee in subsection (3)."

Section 26. Section 23-2-619, MCA, is amended to read:

"**23-2-619. Dealer registration certificate -- use of fees -- temporary registration permit.** (1) (a) Unless the dealer is licensed under the provisions of 61-4-101, a dealer registration certificate must be issued in accordance with 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644.

(b) To qualify as a dealer, the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all snowmobiles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any snowmobile offered for demonstration or

loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of snowmobiles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of snowmobiles; and

(v) execute a certificate to the effect that the applicant is a bona fide dealer in snowmobiles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in snowmobiles.

(2) The dealer application must be accompanied by an application fee of $5 and a registration fee of $5. Upon receipt of the dealer application and payment of fees, the dealer must be issued two dealer snowmobile identification cards that must be carried by the dealer or the dealer's customer when demonstrating the dealer's snowmobiles.

(3) (a) A dealer shall file a bond in the amount of $5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before payment on the bond is required, the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of a snowmobile dealer registration shall certify that the applicant has sold five or more snowmobiles during the preceding year or pay an additional $50 renewal registration fee or provide a copy of a written new snowmobile franchise or sales agreement that the applicant has with a

manufacturer, importer, or distributor.

(6) Additional dealer snowmobile identification cards as required by need justified to the department of justice may be purchased by the dealer for a fee of $2.

(7) Dealer registration certificates and identification cards expire on June 30 following the date of issuance.

(8) ~~Prior to~~ Within 30 days following the delivery of a snowmobile to the purchaser, the dealer shall ~~issue and affix to the snowmobile a temporary registration permit~~ forward an application for certificate of title, executed by the purchaser, and the assigned manufacturer's certificate of origin or certificate of title for the snowmobile to the office of the county treasurer for the county in which the owner resides. ~~The temporary registration permit expires 20 days after the date of issuance. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.~~ If the dealer is an authorized agent, as defined in [section 2], a temporary registration permit may be issued upon delivery of the snowmobile to the purchaser in accordance with 61-3-224.

(9) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the state special revenue fund to the credit of the department, with one-half designated for use in enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and one-half designated for use in the development, maintenance, and operation of snowmobile facilities.

(b) All money collected from dealer registration and renewal registration fees must be deposited in the general fund."

Section 27. Section 23-2-818, MCA, is amended to read:

"23-2-818. Dealer registration certificate -- temporary registration permit. (1) (a) Unless the dealer is licensed under the provisions of 61-4-101, a

dealer may not sell off-highway vehicles unless the dealer has first obtained a dealer registration certificate from the department of justice under the provisions of this section.

(b) To qualify as a dealer the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all off-highway vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any off-highway vehicle offered for demonstration or loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of off-highway vehicles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of off-highway vehicles; and

(v) execute a certificate to the effect that the applicant is a bona fide

dealer in off-highway vehicles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in off-highway vehicles.

(2) The dealer application for registration or renewal of registration must be accompanied by an application or renewal fee of $5 and a registration fee of $5. To qualify for the fees in this subsection, the applicant for renewal shall certify that the applicant has sold three or more off-highway vehicles during the preceding year. Upon receipt of the dealer application or renewal and payment of fees, the dealer must be issued two dealer off-highway identification cards to be carried by the dealer or the dealer's customer when demonstrating the dealer's off-highway vehicles. Additional dealer off-highway vehicle identification cards may be purchased by the dealer from the department of justice for a fee of $2 each.

(3) (a) A dealer shall file a bond in the amount of $5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before payment on the bond is required, the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of an off-highway vehicle dealer registration who does not qualify under subsection (2) shall:

(a) pay an additional $50 renewal registration fee; and

(b) provide a copy of a new off-highway vehicle franchise or sales agreement that the applicant has with a manufacturer, importer, or distributor.

(6) Dealer registration certificates and identification cards expire on

December 31 following the date of issuance.

(7) ~~Prior to~~ Within 30 days following the delivery of an off-highway vehicle to a purchaser, the dealer shall ~~issue and affix to the off-highway vehicle a temporary registration permit, as defined in 61-1-603~~ forward an application for certificate of title, executed by the purchaser, and the assigned manufacturer's certificate of origin or certificate of title for the off-highway vehicle to the office of the county treasurer for the county in which the owner resides. ~~The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.~~ If the dealer is an authorized agent, as defined in [section 2], a temporary registration permit may be issued upon delivery of the snowmobile to the purchaser in accordance with 61-3-224.

(8) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the general fund to be used by the department of justice for the administration of this part.

(b) All dealer registration fees and renewal fees collected must be deposited in the state general fund."

Section 28. Section 49-4-301, MCA, is amended to read:

"**49-4-301. Eligibility for special parking permit.** (1) The department of justice shall issue a special parking permit to a person who has a disability that limits or impairs the person's mobility and ~~who, as determined by~~ for whom a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, submits a certification to the department, by electronic or other means prescribed by the department, that the person meets one of the following criteria:

(a) cannot walk 200 feet without stopping to rest;

(b) is severely limited in ability to walk because of an arthritic, neurological, or orthopedic condition;

(c) is so severely disabled that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair,

or other assistive device;

(d) uses portable oxygen;

(e) is restricted by lung disease to the extent that forced expiratory respiratory volume, when measured by spirometry, is less than 1 liter per second or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(f) has impairment because of cardiovascular disease or a cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American heart association; or

(g) has a disability resulting from an acute sensitivity to automobile emissions or from another disease or physical condition that limits or impairs the person's mobility and that is documented by the licensed physician, the licensed chiropractor, or the licensed advanced practice registered nurse as being comparable in severity to the other conditions listed in this subsection (1).

(2) A person who has a condition expected to improve within 6 months may be issued a temporary placard for a period not to exceed 6 months but may not be issued a special license plate under ~~61-3-332(11)~~ 61-3-332(9). If the condition exists after 6 months, a new temporary placard must be issued for the time period prescribed by the applicant's physician, chiropractor, or advanced practice registered nurse, not to exceed 24 months, upon receipt of a ~~new~~ later paper or electronic certification from the disabled person's physician, chiropractor, or advanced practice registered nurse that the conditions specified in subsection (1) continue to exist and are expected to continue for the time specified.

(3) The department of justice may issue special parking permits to an agency or business that provides transportation as a service for persons with a disability. The permits must be used only to load and unload persons with a disability in the special parking place provided for in 49-4-302. As used in this subsection, "disability" means a physical impairment that severely limits a person's ability to walk.

(4) Except as provided in subsection (3), an applicant may not receive more than one permit."

Section 29. Section 49-4-302, MCA, is amended to read:

"49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time limits -- requirements for special parking spaces. (1) The parking permit issued under this part, when displayed, entitles a person to park a motor vehicle in a special parking space reserved for a person with a disability, whether on public property or on private property available for public use, when the person for whom the permit was issued is using the special parking space to enter or exit the vehicle.

(2) A vehicle may not be parked in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by a person with a disability unless:

(a) the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1), or a specially inscribed license plate displaying the letters "DV" issued under 61-3-458(3)(b) or displaying a wheelchair as provided in ~~61-3-332(11)~~ 61-3-332(9); and

(b) the reserved parking space is being used by the person for whom the permit, plate, or placard was issued to enter or exit the vehicle.

(3) The governing body of a city, town, or county may exempt vehicles lawfully displaying parking permits issued under this part and vehicles lawfully displaying specially inscribed license plates displaying the letters "DV" issued under 61-3-458(3)(b) or displaying a wheelchair as provided in ~~61-3-332(11)~~ 61-3-332(9) and parked in public places along public streets from any time limitation imposed upon parking, except in areas where:

(a) stopping, standing, or parking of all vehicles is prohibited;

(b) only special vehicles may be parked; or

(c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(4) In accordance with subsection (2), the governing body of a city, town, or county or appropriate state agency may impose all, but not less than all, of

the following requirements with respect to any special parking space constructed after September 30, 1985, and reserved for a person with a disability or a permitholder on ways of this state open to the public, as defined in 61-8-101:

(a) The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.

(b) If parallel to curbside, the parking space must be separated from an adjacent space, either in the front or the rear, by at least 5 feet of striped no-parking area.

(c) If at an angle to curbside, the parking space must be at least 8 feet wide and free of obstruction if located at the end of a line of angle parking spaces, and each other angle parking space designated for a person with a disability must be at least 13 feet wide.

(d) A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured by a vehicle parked in the space."

Section 30. Section 49-4-303, MCA, is amended to read:

"**49-4-303. ~~Applications for~~ Issuance of interim special parking permit.** ~~(1) Applications for a special parking permit may be made to the department of justice on forms provided by the department that require sufficient information to determine eligibility for a permit. The application must be accompanied by:~~

~~(a) a certificate from a~~ A licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, ~~describing the extent of the applicant's disability; and~~

~~(b) a fee of $1~~ may issue an interim special parking permit, in a form authorized by the department, to a person who has a disability that limits or

impairs the person's mobility and upon whose behalf the physician, chiropractor, or advanced practice registered nurse has submitted a request for a special parking permit under 49-4-301. The interim special parking permit is valid only in Montana, may not be renewed or extended, and expires 5 days from the date of issuance.

~~(2) Applications must be available at the office of the county treasurer in each county and directly from the department.~~"

Section 31. Section 49-4-304, MCA, is amended to read:

"**49-4-304. Special license plate or card to be provided and displayed -- additional cards allowed for owners of more than one vehicle.** (1) ~~Unless~~ Except as authorized in 49-4-303, unless the department of justice issued a special license plate under ~~61-3-332(11)~~ 61-3-332(9) or 61-3-458(3)(b) indicating a special parking privilege, the department shall provide a card to be displayed on or in a motor vehicle to indicate a parking privilege granted under this part. The special license plate must be affixed to the vehicle according to 61-3-301, or the card must be prominently displayed in the windshield of a vehicle when the parking privilege is being used by the person with a disability in a vehicle other than the one to which a special license plate is affixed.

(2) Subject to the provisions of 49-4-301 through 49-4-305, a person who is eligible to receive a special parking permit and who owns more than one motor vehicle may request and the department of justice shall provide additional cards described in subsection (1) to equal the number of motor vehicles, other than commercial vehicles, owned by the person.

(3) Upon application under ~~49-4-303~~ 49-4-301, a person with a disability who does not hold a driver's license or does not own a vehicle may receive a card described in subsection (1) to be displayed in a vehicle in which the person with a disability is being conveyed when the parking privilege is being used.

(4) The card must bear a representation of a wheelchair as the symbol of a person with a disability."

Section 32. Section 49-4-305, MCA, is amended to read:

"49-4-305. Expiration of permit. (1) Except as provided in 49-4-303 and subsection (2) of this section, a special parking permit expires on the occurrence of either of the following:

(a) 3 years from the date of issuance, unless the permit was issued to a person who has a condition expected to improve within 6 months. A person may renew a permit if a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, certifies that the person's mobility disability still exists and that one of the criteria specified in 49-4-301 continues to be met.

(b) certification by a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse that the person's mobility disability no longer exists or that the criteria specified in 49-4-301 can no longer be met.

(2) A permit issued before October 1, 1993, expires on:

(a) the death of the permittee; or

(b) certification by a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse that the person's mobility disability no longer exists or that the criteria specified in 49-4-301 can no longer be met."

Section 33. Section 61-1-104, MCA, is amended to read:

"61-1-104. Special mobile equipment. (1) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this section is partial and does not exclude other vehicles that are within the general terms of this section as determined by the department of transportation.

(2) For purposes of Title 61, chapter 3, and Title 61, chapter 10, part 2, a motor vehicle or a trailer designed and used to apply fertilizer to agricultural land must be treated as special mobile equipment.

(3) For registration purposes, a log loader must be treated as special mobile equipment, subject to the identification and registration exemptions and regulations in 61-3-431."

Section 34. Section 61-1-111, MCA, is amended to read:

"**61-1-111. Trailer.** (1) "Trailer" means every vehicle, with or without motive power (other than a pole trailer), designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, except that as used in chapters 3 and 4 the term includes every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(2) The term does not include a mobile home or a manufactured home, as defined in 15-1-101."

Section 35. Section 61-1-501, MCA, is amended to read:

"**61-1-501. Mobile home or housetrailer.** "Mobile home" or "housetrailer" ~~means a trailer or a semitrailer that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways or a trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a housetrailer but that is used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for any commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier~~ has the meaning provided in 15-1-101."

Section 36. Section 61-1-508, MCA, is amended to read:

"**61-1-508. Registration -- register.** "Registration" or "register" means~~, as used in part 1, chapter 6, registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles~~ the act or process of creating an electronic

record, maintained by the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department records."

Section 37. Section 61-1-513, MCA, is amended to read:

"61-1-513. Manufactured home. ~~(1)~~ "Manufactured home" ~~means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards~~ has the meaning provided in 15-1-101.

~~(2) A manufactured home does not include a mobile home, as defined in 61-1-501 or 15-1-101, a housetrailer, as defined in 61-1-501, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.~~"

Section 38. Section 61-1-603, MCA, is amended to read:

"61-1-603. Temporary registration permit. "Temporary registration permit" means~~:~~

~~(1)~~ a paper record: ~~produced and issued by the department, its authorized agent, a county treasurer, or a law enforcement officer to a person to whom ownership of a vehicle was transferred that, when mounted in the left-hand corner of a rear window of a motor vehicle or affixed as prescribed on a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle, authorizes the operation of the vehicle for a specified time period prior to registration under 23-2-512, 23-2-616, 23-2-804, or 61-3-303~~ (1) issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic interface after an electronic record has been transmitted to the department, that contains:

(a) required vehicle and owner information; and

(b) the purpose for which the record was generated; ~~or~~ and

(2) ~~a durable license plate-style placard approved by the department and~~

~~issued by an authorized agent of the department or a county treasurer to a person to whom ownership of a vehicle has been transferred that, when attached to the rear of the vehicle in a manner prescribed by the department, authorizes the operation of a motor vehicle for a specified time period prior to registration under 61-3-303~~ that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs."

Section 39. Section 61-3-107, MCA, is amended to read:

"**61-3-107. Identification number for trailers, campers, and other vehicles.** (1) A trailer, semitrailer, ~~housetrailer,~~ or camper that does not have a manufacturer's or other identifying number on the trailer, semitrailer, ~~housetrailer,~~ or camper must be assigned an identification number by the department.

(2) The department may not issue ~~a certificate of ownership or~~ a certificate of title or reissue ~~a certificate of ownership or~~ a certificate of title covering a motor vehicle on which the identification number has been altered, removed, obliterated, defaced, omitted, or is otherwise absent unless the owner or other person lawfully in possession of the vehicle files an application with the department, accompanied by a fee of $5. The application must be on a form provided by the department and must contain information required by the department for the assignment of a special identification number for a vehicle. Upon receipt of the application and if the department is satisfied that the applicant is entitled to the assignment of an identification number, the department shall designate a special identification number for the vehicle. The department shall note the special identification number on the application and on records to be kept by the department. This assigned identification number must be stamped or securely attached in a conspicuous position on the vehicle in the manner and form

prescribed by the department.

(3) If the true identity of a vehicle can be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks, the department may not assign a special identification number and shall replace the vehicle's identification mark by duplicating the manufacturer's full numeric or alphanumeric identification sequence. The department may replace an identification mark only after conducting an inquiry to determine that ownership of the vehicle bearing a restored identification mark has been lawfully transferred to the applicant. The applicant shall apply for and the department shall replace the identification mark on the vehicle as required under subsection (2).

(4) Upon receipt by the department of a certificate of inspection completed by a peace officer or authorized member of the department verifying that the identification number has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by an application for ~~a certificate of ownership or~~ a certificate of title and the required fee, the department shall use the number as the numeric or alphanumeric identification mark for the vehicle in any ~~certificate of ownership or a~~ certificate of title that may be issued."

Section 40. Section 61-3-109, MCA, is amended to read:

"61-3-109. Electronic title, lien filing, and registration. ~~(1)~~ The department shall develop and implement a pilot program to allow:

~~(a)~~(1) electronic transmission of data by ~~the department's~~ an authorized agent, ~~or~~ a county treasurer, or a person to or from the department in lieu of the transmission of paper documents;

~~(b)~~(2) substantiation of electronic record transactions performed by the department, ~~its~~ an authorized agent, ~~or~~ a county treasurer, or a person;

~~(c)~~(3) the ~~search of~~ production and certification by a court or an authorized agent of a motor vehicle record generated from electronic records of title and registration maintained by the department~~, its agents, and county treasurers~~;

~~(d)~~(4) electronic filing, perfection, and release of security interests or liens of record; and

~~(e)~~(5) certification and audit by the department of its authorized agents.

~~(2) The department shall adopt rules to implement the pilot program. The rules must include procedures designed to constitute constructive notice of electronically filed and perfected liens and electronically maintained ownership records to subsequent purchasers, secured parties, or lienholders from the date of a lien's perfection or transfer of ownership.~~"

Section 41. Section 61-3-201, MCA, is amended to read:

"**61-3-201. Certificate of title required -- exclusions.** (1) Except as provided in subsection (2), the owner of a motor vehicle that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle.

(2) The following vehicles are exempt from the requirements of this part:

(a) a vehicle owned by the United States, unless the vehicle is registered in this state;

(b) except as required in 61-4-111, a vehicle that is:

(i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

(ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;

(c) a vehicle owned by a nonresident of this state;

(d) a vehicle regularly engaged in the interstate transportation of person or property and:

(i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

(ii) that is properly registered under the provisions of Title 61, chapter

3, part 7;

(e) a vehicle moved solely by human or animal power;

(f) an implement of husbandry;

(g) special mobile equipment;

(h) a self-propelled wheelchair or tricycle used by a person with a disability; ~~or~~

(i) a dolly or converter gear; or

(j) a mobile home, manufactured home, or housetrailer.

~~(3) The certificate of title is valid until canceled by the department upon a transfer of any interest shown in the certificate of title, and annual renewal is not needed.~~"

Section 42. Section 61-3-203, MCA, is amended to read:

"**61-3-203. Fee for original certificate of title -- disposition.** (1) A person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:

(a) $10 ~~for issuance of an original~~ if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that weighs less than 1 ton; or

(b) $12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs less than 1 ton. ~~The fee must be collected by the county treasurer or by an authorized agent of the department at the time of application. An additional fee of $2 must be paid for light vehicles, trucks and buses weighing less than 1 ton, and logging trucks. The fees must be paid to the county treasurer or agent of the department and, of the $10 fee,~~

(2) The amount of $5 of the fee imposed pursuant to subsection (1) must be forwarded to the department ~~of revenue and deposited in the state general fund. The remaining $5 must be forwarded to the department~~ for deposit in the motor vehicle information technology system account provided for in 61-3-550 and the remaining amount must be deposited in the state general fund."

Section 43. Section 61-3-212, MCA, is amended to read:

"61-3-212. Retitling salvage vehicles -- penalty. (1) Prior to operating a salvage vehicle on the roads and highways of this state, the owner shall present the vehicle and the salvage certificate, if one has been issued, or the certificate of title, the appropriate receipts or bills of sale establishing ownership, and the source of component parts used to rebuild the vehicle to a department employee or designated peace officer for inspection, as provided in 61-3-223. An owner may obtain a ~~72-hour~~ temporary registration permit ~~from the department or its designee~~ under 61-3-224 for the purpose of moving a salvage vehicle to and from the designated inspection site.

(2) (a) The inspector shall inspect the vehicle to verify the identity of the vehicle.

(b) The inspector shall verify that the component parts used to rebuild the vehicle are evidenced by traceable receipts or bills of sale and that there are no indications that the vehicle or any of its parts are stolen. Documentation provided by the owner or employee of a wrecking facility licensed under the provisions of Title 75, chapter 10, part 5, is prima facie evidence of the facts stated in the documentation.

(3) Following inspection and prior to operating the vehicle on the roads and highways of this state, the owner shall apply for a new certificate of title by submitting the application, the salvage certificate, receipts or bills of sale, and a copy of the inspection report to the department.

(4) Upon receipt of the application, required documentation, and payment of the fee required in 61-3-203, the department shall issue a new certificate of title with the words "rebuilt salvage" on the face of the certificate of title.

(5) A person failing to comply with the provisions of this part is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed $500. The salvage vehicle purchaser shall produce the salvage certificate upon request of a public official legally entitled to request the certificate. A person may not operate or use a salvage vehicle on the roads or highways of this state except when a temporary registration permit has been issued as provided in subsection

(1)."

Section 44. Section 61-3-217, MCA, is amended to read:

"**61-3-217. Certificate of title -- duties -- examination of application -- records check -- incomplete application.** (1) (a) Upon receipt of an application for a certificate of title and any supporting documents, an authorized agent of the department or a county treasurer shall:

(i) review the application and documents;

(ii) complete the records check required in subsection (2); and

(iii) if an authorized agent of the department or the county treasurer is satisfied as to the genuineness and regularity of the application and satisfied that the applicant is entitled to the issuance of a certificate of title, enter the transfer of interest on the electronic record of title.

(b) If an authorized agent of the department or the county treasurer is not satisfied as to the genuineness and regularity of the application or is not satisfied that the applicant is entitled to the issuance of a certificate of title, the authorized agent or the county treasurer may not enter the transfer of interest on the electronic record of title.

(c) If an authorized agent of the department or the county treasurer enters the transfer of interest on the electronic record of title, an authorized agent or the county treasurer shall:

(i) issue a transaction summary receipt to the applicant and, if requested, to any secured party or lienholder with a perfected security interest; and

(ii) as prescribed by the department, forward to the department the application, the assigned certificate of title, and any other documents provided in support of the application.

(2) The department, its authorized agent, or a county treasurer who first receives an application for a certificate of title shall check the vehicle identification number shown on the application against:

(a) the records of vehicles maintained by the department under 61-3-101;

(b) the reported stolen vehicle databases maintained on the state's

criminal justice information network and by the national crime information center; and

(c) any other records or databases prescribed by the department.

(3) (a) Upon receipt of an application for a certificate of title and supporting documents that have been processed by an authorized agent of the department or a county treasurer, the department shall review the documents to determine if the application is complete. If the department determines that the application is incomplete, the department shall enter the incomplete status of the application on the electric record of title for the vehicle and return to the applicant, by first-class mail, the application and all supporting documents. The department shall provide a statement with a specific description of the additional information or documents that must be supplied by the applicant to complete the application process.

(b) ~~Except as provided in 61-3-342, the~~ The department may not complete the application process, remove the incomplete status notation on the electronic record of title, or issue a certificate of title until the applicant returns the completed application, including any supporting additional information or documents, to the department."

Section 45. Section 61-3-218, MCA, is amended to read:

"61-3-218. Certificate of title -- issuance -- delivery. (1) Except as provided in subsection (2), if a person who applied for a certificate of title also requested the issuance of the certificate of title as provided in 61-3-216(2)(f)(i), upon receipt of the application and all supporting documents and after an examination and determination that the application is complete and regular, the department shall issue a certificate of title of the vehicle and shall mail the certificate of title to the owner.

(2) If a person to whom a vehicle was transferred has not satisfied the titling and registration provisions of this chapter or, if applicable, the registration provisions of Title 23, chapter 2, part 5 or 6, within the ~~20-day~~ 40-day period provided in 61-3-220(3) and the secured party or lienholder pays the

title fee required in 61-3-203, the department may mail a certificate of title to the secured party or lienholder upon request of the secured party or lienholder.

(3) (a) A vehicle owner who requested the delayed issuance of a certificate of title under 61-3-216(2)(f)(ii), in the initial application for a certificate of title, may submit a request for the issuance of the certificate of title to the department, its authorized agent, or a county treasurer in a manner prescribed by the department. Upon receipt, the department shall issue a certificate of title for the vehicle and mail the certificate of title to the owner.

(b) A title fee may not be demanded from the owner or collected by the department, its authorized agent, or a county treasurer for a certificate of title requested or issued under subsection (3)(a)."

Section 46. Section 61-3-220, MCA, is amended to read:

"**61-3-220. Certificate of title -- voluntary transfer -- ~~timeliness -- penalty~~ duties.** (1) Upon the voluntary transfer of any interest in a motor vehicle for which a certificate of title was issued under the provisions of this chapter, the owner whose interest is to be transferred shall:

(a) authorize, in writing and on a form prescribed by the department, ~~its~~ an authorized agent, or a county treasurer, to enter the transfer of the owner's interest in the vehicle to the transferee on the electronic record of title maintained under 61-3-101; or

(b) execute a transfer in the appropriate space provided on the certificate of title issued to the owner and deliver the assigned certificate of title to:

(i) the transferee at the time of delivery of the vehicle; or

(ii) the department, its authorized agent, or a county treasurer if an application for a certificate of title has been completed by the transferee and accompanies the assigned certificate of title.

(2) The transferor's signature on the certificate of title, or the form authorizing transfer of interest upon the electronic record of title, must be acknowledged before the county treasurer, a deputy county treasurer, an elected official authorized to acknowledge signatures, an employee or authorized agent of

the department, or a notary public.

(3) Except as provided in ~~sections 23-2-513, 23-2-619, 23-2-818, or~~ 61-4-111, the person to whom an interest in a motor vehicle has been transferred shall:

(a) execute an application for a certificate of title in the space provided on the assigned certificate of title or as prescribed by the department; and

(b) within ~~20~~ 40 days after the interest in the vehicle was transferred to the person, either:

(i) ~~mail or deliver the assigned~~ apply for a certificate of title ~~or application to the county treasurer of the person's county of residence or, as permitted by the department, its authorized agent~~ under 61-3-216 and register the vehicle under 61-3-303; or

(ii) subject to the limitations of 61-3-312, register the vehicle without the surrender of a previously assigned certificate of title and application for certificate of title under 61-3-303.

(4) If the person to whom an interest in a motor vehicle has been transferred fails to ~~submit the application for a certificate of title to the department's authorized agent or a county treasurer~~ comply with the requirements described in subsection (3) within the ~~20-day~~ 40-day grace period ~~described in subsection (3)~~, a late penalty of $10 must be imposed against the transferee. The penalty must be paid ~~by the transferee to the county treasurer when the application for a certificate of title is finally submitted by the transferee or~~ before the transferee ~~may register~~ registers the vehicle in this state, with or without the surrender of an assigned certificate of title. The penalty is in addition to the fees otherwise provided by law.

(5) If the transferee does not ~~apply for a certificate of title~~ comply with the requirements of subsection (3) within the ~~20-day~~ 40-day grace period, a secured party or lienholder of record may pay the fees for the transfer of title and for filing a voluntary security interest or lien. The secured party or lienholder is not liable for the late penalty imposed in subsection (4) or for registration fees, taxes, or fees in lieu of tax on the vehicle."

Section 47. Section 61-3-224, MCA, is amended to read:

"61-3-224. Temporary registration permit -- issuance -- placement -- fees. (1) ~~A~~ The department, an authorized agent, or a county treasurer ~~or a law enforcement officer~~ may issue a temporary registration permit under the provisions of 61-3-317. A county treasurer may also issue a temporary registration permit ~~under the provisions of 61-3-342~~ to:

(a) a Montana resident who acquires a new or used motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle prior to titling and registration of the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) the owner of a motor vehicle registered in this state for operation of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle under this chapter;

(d) a nonresident of this state who acquires a motor vehicle in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence; and

(e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state.

(2) ~~An employee or agent of the department may issue a temporary registration permit only under express authorization from the department and in accordance with the provisions of this chapter.~~ A person, using a department-approved electronic interface, may issue a temporary registration permit for the specified purposes if the person is:

(a) a Montana resident who acquires a new or used motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle prior to titling and registration the vehicle under

this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212; or

(c) a nonresident of this state who acquires a motor vehicle in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence.

~~(3) A dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or under Title 61, chapter 4, part 1, may issue a temporary registration permit only as authorized under 23-2-513, 23-2-619, 23-2-818, 61-4-111, or 61-4-112.~~

~~(4)~~(3) A temporary registration permit issued under ~~subsections (1) through (3)~~ this section must contain the following information:

(a) a temporary ~~registration permit control~~ plate number, registration receipt number, or transaction record number, as prescribed by the department;

(b) the expiration date of the temporary registration permit; and

(c) if required by the department, a description of the vehicle, including year, make, model, and vehicle identification number, the name ~~and address~~ of the person from whom ownership of the vehicle was transferred, the name, mailing address, and residence address of the person to whom ownership of the vehicle has been transferred, and the date of ~~transfer~~ issuance.

(4) A temporary registration permit for:

(a) a motor vehicle must be plainly visible and firmly attached to the rear exterior of the vehicle where a license plate is required to be displayed; and

(b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway must be plainly visible and firmly attached to the vessel or vehicle.

(5) (a) Except as provided in 61-3-431 and subsection (5)(b) of this section, a $5 fee is imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent, or a county treasurer when the vehicle is registered.

(b) Except as provided in 61-3-431, a fee of $10 is imposed and must be paid upon issuance of a temporary registration permit by:

(i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires a motor vehicle in this state; or

(ii) a person who issued a temporary registration permit using a department-approved electronic interface.

(6) The fees imposed under this section, upon collection, must be forwarded to the state, for deposit as follows:

(a) $3 of each fee must be deposited in the state general fund; and

(b) the remainder of the fee must be deposited in the motor vehicle electronic commerce operating account provided for in [section 5].

(7) If a temporary registration permit is issued under this section to a person to whom ownership of a vehicle has been transferred, the permitholder must title and register the vehicle in this or another jurisdiction before the ownership of the vehicle may be transferred to another person."

Section 48. Section 61-3-301, MCA, is amended to read:

"61-3-301. Registration -- license plate required -- display. (1) (a) Except as ~~otherwise~~ provided in ~~this chapter~~ 61-4-120, 61-4-129, and subsection (1)(b) of this section, a person may not operate a motor vehicle upon the public highways of Montana unless the vehicle is properly registered and has the proper ~~number~~ license plates conspicuously displayed, one on the front and one on the rear of the vehicle, each securely fastened to prevent it from swinging and unobstructed from plain view~~, except that vehicles authorized to display demonstrator plates under 61-4-125 or 61-4-129 may have only one number plate conspicuously displayed on the rear~~.

(b) A motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer must display a single license plate on the rear of the vehicle.

(c) A person may not display on a vehicle at the same time a number assigned to it under any motor vehicle law except as provided in this chapter. ~~A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven or towed to~~

~~an auto wrecking graveyard for disposal is exempt from the provisions of this section.~~

(2) A person may not purchase or display on a motor vehicle a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county ~~of the person's permanent residence~~ where the vehicle is domiciled at the time of application for registration. ~~However, the owner of a motor vehicle requiring a license plate on a motor vehicle used in the public transportation of persons or property may make application for the license in any county through which the motor vehicle passes in its regularly scheduled route, and the license plate issued bearing the number assigned to that county may be displayed on the motor vehicle in any other county of the state.~~

(3) It is unlawful to:

(a) display license plates issued to one vehicle on any other vehicle, trailer, ~~or~~ semitrailer, pole trailer, or travel trailer unless legally transferred as provided by statute;

(b) repaint old license plates to resemble current license plates; or

(c) display a prior design of ~~number~~ standard license plates issued under ~~61-3-332(4)(a)~~ 61-3-332(3)(a) or special license plates issued under ~~61-3-332(10)~~ 61-3-332(8) or 61-3-421 more than 18 months after a new design of ~~number~~ standard license plates or special license plates has been issued, except as provided in ~~61-3-332(4)(c) and (4)(d)~~ 61-3-332(3)(c) and (3)(d), 61-3-448, or 61-3-468.

~~(4) This section does not apply to a vehicle exempt from taxation under 15-6-215 or subject to the registration fee or fee in lieu of tax under 61-3-520.~~

~~(5) A person violating these provisions is guilty of a misdemeanor and is subject to the penalty prescribed in 61-3-601.~~

~~(6)~~(4) For the purposes of this section, "conspicuously displayed" means that the required license plates are obviously visible and firmly attached to:

(a) the front and the rear bumper of a motor vehicle equipped with front and rear bumpers; or

(b) other clearly visible locations on the front and the rear exteriors of a motor vehicle."

Section 49. Section 61-3-302, MCA, is amended to read:

"61-3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden -- vehicles exempt from registration -- exceptions. (1) (a) ~~It shall especially be provided that a~~ A resident of the state of Montana ~~shall~~ who owns a motor vehicle may not operate ~~a~~ the motor vehicle ~~under a license~~ with license plates issued by any other state than Montana.

(b) A person who has resided in Montana for more than 60 consecutive days is considered to be a resident for the purpose of vehicle titling and registration laws, and a motor vehicle, trailer, semitrailer, or pole trailer owned by the person must be titled and registered under the laws of Montana prior to operation in this state after the 60-day period.

(2) A motor vehicle driven or moved upon a highway in this state and owned by a nonresident of this state is exempt from registration under this chapter if:

(a) the vehicle is properly registered in and displays valid license plates of the jurisdiction in which the nonresident owner resides; and

(b) (i) the vehicle is not used for the transportation of persons or property for hire, compensation, or profit;

(ii) the nonresident owner is not employed or engaged in a commercial or business enterprise in this state; or

(iii) the vehicle is used for the exclusive purpose of filming motion pictures or television commercials and does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

(3) A motor vehicle owned by a manufacturer, a dealer, a wholesaler, or an auto auction and that is held for sale is exempt from registration under this part, even though the motor vehicle is incidentally moved on the highway and is used for purposes of testing or demonstration or is used by a manufacturer solely for testing.

(4) A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven to an auto wrecking graveyard for disposal is exempt from the provisions of this

chapter."

Section 50. Section 61-3-303, MCA, is amended to read:

"61-3-303. ~~Registration~~ Original registration -- process -- fees. (1) ~~A~~ Except as provided in 61-3-324, a Montana resident who owns a motor vehicle operated or driven upon the public highways of this state shall register the motor vehicle in the office of the county treasurer in the county where the owner permanently resides or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the county where the vehicle is ~~permanently assigned~~ domiciled.

(2) ~~(a)~~ Except as provided in subsection (3), the county treasurer ~~shall~~ may register any vehicle for which:

~~(i)~~(a) as of the date that the vehicle is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

~~(ii)~~(b) the county treasurer confirms that the department has an electronic record of title for the vehicle as provided under 61-3-101.

~~(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.~~

(3) (a) A county treasurer ~~shall~~ may register a motor vehicle for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the vehicle owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, ~~present the~~ surrender a previously ~~issued~~ assigned certificate of title ~~only as authorized by the~~

~~department under 61-3-342~~ and submit an application for certificate of title, subject to the registration renewal limitations of 61-3-312.

(4) ~~The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration.~~ Upon registering a motor vehicle for the first time in this state, the county treasurer shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5) of this section and

(e) assign and issue license plates for the vehicle under 61-3-331.

(5) ~~A~~ Unless otherwise provided by law, a person ~~who seeks to register~~ registering a motor vehicle~~, except a mobile home or a manufactured home as those terms are defined in 15-1-101(1),~~ shall pay to the county treasurer:

(a) the registration ~~fee~~ fees, as provided in ~~61-3-311 and~~ 61-3-321 ~~or 61-3-456~~;

(b) ~~except as provided in 61-3-456 or unless it has been previously paid,~~ the ~~motor vehicle~~ fees in lieu of tax or registration fees, as required for:

(i) a light vehicle under 61-3-560 through 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570 ~~imposed against the vehicle for the current year of registration and the immediately previous year~~;

(ii) a motor home under 61-3-522;

(iii) a travel trailer under 61-3-523;

(iv) a motorcycle or quadricycle under 61-3-527;

(v) a bus, truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-529; or

(vi) a trailer under 61-3-530; and

(c) a donation of $1 or more if the person ~~has indicated on the application~~ indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and

(d) a donation of $1 or more if the person ~~has indicated on the application~~ indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

(6) The county treasurer may not issue a registration receipt or license plates for the vehicle to the owner unless the owner makes the payments required by subsection (5). ~~Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:~~

~~(a) the current year; and~~

~~(b) except as provided in subsection (9), the immediately preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.~~

(7) The department may make full and complete investigation of the registration status of the vehicle. A person seeking to register a motor vehicle under this section shall provide additional information to support the registration to the department if requested.

(8) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this subsection (9)(a) is registered permanently unless ownership of the vehicle is transferred.

(b) Whenever ownership of a vehicle described in subsection (9)(a) is transferred, the new owner is required to register the vehicle as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

(10) Revenue that accrues from the voluntary donation provided in subsection (5)(d) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury."

Section 51. Section 61-3-311, MCA, is amended to read:

"61-3-311. Registration -- ~~annual renewal --~~ time periods. (1) ~~Registration must be renewed annually, and registration fees must be paid annually. Except~~ Unless a vehicle is subject to permanent registration under this title and except as provided in 61-3-313~~ through 61-3-316~~, ~~61-3-318, 61-3-526~~ 61-3-701, ~~and~~ 61-3-721, and subsection (3) of this section, ~~all registrations expire on December 31 of the year in which they are issued and must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year~~ the department, an authorized agent, or a county treasurer shall, upon original registration of a vehicle in this state, assign each vehicle to a registration period, as provided in 61-3-316, based upon the calendar month in which the vehicle is first registered in this state and designate the calendar year in which the current registration will expire. ~~If the ownership of a motor vehicle is transferred~~

~~during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle as provided by this chapter.~~

~~(2) The department, its authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered under the provisions of 61-3-342(3) unless:~~

~~(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or~~

~~(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208.~~

(2) Each registration period commences on the first day of the calendar month in the calendar year in which the vehicle is registered and the vehicle's registration expires on the earlier of:

(a) the last day of the month preceding the anniversary of the registration period for the year designated on the vehicle's registration decal, if the vehicle is registered for a minimum 12-month period;

(b) the last day of the month preceding the anniversary of the registration period for the year designated on the vehicle's registration decal, if the vehicle is registered for a period of at least 13 but less than 25 months; or

(c) the transfer of ownership of the vehicle to another person.

(3) (a) Upon request of the vehicle owner, a county treasurer may assign a vehicle to a registration period, as provided in 61-3-316, other than the calendar month in which the vehicle is first registered in this state if at least 13 but less than 25 months will elapse between the first day of the calendar month in which the vehicle is registered and the last day of the month preceding the anniversary of the requested registration period in the year designated on the vehicle's registration decal.

(b) The county treasurer shall determine fees imposed for a vehicle registered for a period between 13 and 24 months. Registration fees imposed under 61-3-321 must be applied for the entire registration period. All other

registration fees, fees in lieu of tax, or local option taxes or fees that are imposed on an annual basis must be prorated based on the number of months in the requested registration period.

(c) A vehicle registered under the provisions of 61-3-303(3)(b) may not be registered under this subsection (3).

(4) If a vehicle is permanently registered under the provisions of this chapter, the registration is not subject to expiration unless the registered owner of the vehicle transfers ownership of the vehicle to another person."

Section 52. Section 61-3-312, MCA, is amended to read:

"**61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in ~~61-3-311(1), 61-3-314,~~ 61-3-313 ~~61-3-318, 61-3-526, 61-3-560, 61-3-562,~~ and 61-3-721, the registration of a vehicle under this chapter ~~expires on December 31 of each year and~~ must be renewed ~~annually upon payment of registration fees as provided in 61-3-303 and 61-3-321~~ on or before the last day of the month of the vehicle's registration period following the expiration of the vehicle's registration. ~~The renewal takes effect on January 1 of each year.~~ A person may renew a vehicle's registration by submitting full payment for the fees or taxes, required under 61-3-303, to the department, an authorized agent, or a county treasurer in any county of this state. Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be retained, and the duration of the renewed registration is determined in accordance with 61-3-311. A registration receipt is valid ~~only during~~ for the registration ~~year~~ period for which it is issued.

(2) The owner of a vehicle ~~registered~~ subject to registration renewal under the provisions of this section ~~may operate the vehicle between January 1 and February 15 without displaying the registration decal of the current year if, during the period, the owner displays upon the vehicle the number plates or plate assigned for the previous year~~ is considered to have renewed the vehicle's registration in a timely manner if the owner submits full payment for the required fees or taxes, as prescribed in the mail renewal notice from the department, to

the department, an authorized agent, or a county treasurer on or before the last day of the month of the vehicle's registration period.

(3) The department, an authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered without being titled under the provisions of 61-3-303(3)(b) unless:

(a) the previously issued certificate of title has been surrendered to the department, an authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

Section 53. Section 61-3-313, MCA, is amended to read:

"**61-3-313. Vehicles ~~subject to staggered~~ exempt from registration renewal.** ~~For purposes of 61-3-313 through 61-3-316, "vehicle" means a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this state except~~ The following vehicles are exempt from the registration renewal requirements of 61-3-312:

(1) vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

~~(2) mobile homes and motor homes;~~

~~(3) vehicles that are registered in accordance with or subject to 61-3-411 or 61-3-458(3)(b);~~

~~(4) trucks exceeding a 1-ton rated capacity;~~

~~(5) trailers, semitrailers, tractors, and buses;~~

~~(6) special mobile equipment as defined in 61-1-104;~~

~~(7)~~(2) motor vehicles registered as part of a fleet under 61-3-318; ~~and~~

~~(8)~~(3) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733; and

(4) unless a transfer of ownership occurs, a travel trailer, trailer,

semitrailer, pole trailer, motorcycle, or quadricycle that is permanently registered."

Section 54. Section 61-3-314, MCA, is amended to read:

"61-3-314. Registration period. ~~(1) Except as provided in 61-3-315, each vehicle subject to the provisions of 61-3-313 through 61-3-316 must be registered for a 12-month period based upon the date it is first registered in this state pursuant to 61-3-313 through 61-3-316.~~

~~(2) There~~ For the purposes of this chapter, there are 12 registration periods to which a vehicle may be assigned.~~, each of which~~ Each registration period commences on the first day of a calendar month. The periods are:

~~(a)~~(1)	January 1 through January 31	1st period
~~(b)~~(2)	February 1 through February 28/29	2nd period
~~(c)~~(3)	March 1 through March 31	3rd period
~~(d)~~(4)	April 1 through April 30	4th period
~~(e)~~(5)	May 1 through May 31	5th period
~~(f)~~(6)	June 1 through June 30	6th period
~~(g)~~(7)	July 1 through July 31	7th period
~~(h)~~(8)	August 1 through August 31	8th period
~~(i)~~(9)	September 1 through September 30	9th period
~~(j)~~(10)	October 1 through October 31	10th period
~~(k)~~(11)	November 1 through November 30	11th period
~~(l)~~(12)	December 1 through December 31	12th period"

Section 55. Section 61-3-315, MCA, is amended to read:

"61-3-315. ~~Reregistration on anniversary date -- department to make rules~~ Rules -- early ~~reregistration~~ renewal. ~~(1) A vehicle that has been registered for any of the periods designated in 61-3-314 must be reregistered for the same period on or before the anniversary date of the initial registration unless that period is changed as provided in subsections (2) and (4). The anniversary date for reregistration is the last day of the month for the designated registration~~

~~period.~~

~~(2) (a) The owner of a motor vehicle subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, may register the motor vehicle for a period not to exceed 24 months. The registration expires on the last day of the 24th month commencing from the date of the designated registration period under 61-3-314 for which the vehicle is registered.~~

~~(b) The owner of a motor vehicle 11 years old or older subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, may permanently register the motor vehicle as provided in 61-3-562. The registration remains in effect until ownership of the vehicle is transferred to another person by the registered owner.~~

~~(3)~~ The department shall adopt rules for the implementation and administration of ~~61-3-313 through 61-3-316 and for the identification of~~ the registration ~~on the~~ of vehicles under this chapter. The rules adopted by the department pursuant to this section must ~~also~~ allow for:

(1) early ~~reregistration of~~ renewal of registration for motor vehicles ~~that are subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561,~~ when an owner of a motor vehicle presents extenuating circumstances~~.~~; and

~~(4)~~(2) ~~The department shall provide for~~ simultaneous registration of multiple vehicles that have common ownership. ~~The rules must provide for a change of the registration period to coincide with the date an owner desires to register the vehicles.~~"

Section 56. Section 61-3-316, MCA, is amended to read:

"**61-3-316. New registrations ~~under staggered registration~~.** ~~A~~ Except as provided in 61-3-311, a vehicle that is registered for the first time in this state must be assigned a registration period corresponding to when the vehicle is first registered in this state. Except as ~~provided~~ permitted in 61-3-315, 61-3-318, and 61-3-324, the registration period for a vehicle must remain the same

from year to year."

Section 57. Section 61-3-317, MCA, is amended to read:

"61-3-317. New registration required for transferred vehicle -- grace period -- penalty -- display of proof of purchase. (1) ~~Except as otherwise provided in this section, the~~ The new owner of a transferred motor vehicle has a grace period of ~~20~~ 40 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by part 5 of this chapter, and local option taxes, if applicable~~, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the vehicle were being registered for the first time in that registration year~~. However, the motor vehicle may not be operated upon the streets and highways of this state during this period unless a temporary registration permit has been issued for, and is properly displayed on, the vehicle as permitted by 61-3-224.

~~(2) The new owner of a vehicle described in 61-3-303(9) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.~~

~~(3)~~(2) If the motor vehicle was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a current registration receipt or registration decal during the ~~20-day~~ 40-day period if at all times during that period, a temporary registration permit, issued under 61-3-224, ~~obtained from the county treasurer or a law enforcement officer as authorized by the department,~~ is ~~clearly~~ properly displayed ~~in the rear window of the motor vehicle or, if a durable placard has been issued for the vehicle, the placard is attached to the rear of the vehicle~~.

~~(4) Registration fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section.~~

~~(5) Failure to make application for a certificate of title within the time~~

~~provided in this section subjects the purchaser to a penalty of $10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general fund.~~"

Section 58. Section 61-3-321, MCA, is amended to read:

"**61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, ~~reregistration~~ renewal of registration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, ~~$13.75 in calendar year 2004 and, in each subsequent year,~~ $17;

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, $8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) 2,850 pounds and over, $10; and

(ii) under 2,850 pounds, $5;

(d) off-highway vehicles registered pursuant to 23-2-817, ~~$9 in calendar year 2004 and, in each subsequent year,~~ $19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, ~~$18.75 in calendar year 2004 and, in each subsequent year,~~ $22;

(f) logging trucks less than 1 ton, $23.75;

(g) motor homes, $22.25;

(h) motorcycles and quadricycles, $9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~$9.75 in calendar year 2004 and, in each~~

~~subsequent year,~~ $11.25. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, $11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, $16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(k) travel trailers, $11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(l) recreational vehicles, ~~$3.50 in calendar year 2004 and, in each subsequent year,~~ $9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.

~~(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.~~

~~(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.~~

~~(3)~~(2) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~$5 in calendar year 2004 and, in each subsequent year,~~ $16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

~~(4)~~(3) A fee of $5 ~~for each set of new number plates~~ must be collected when ~~number plates~~ a new set of standard license plates or a new single standard license plate provided for under 61-3-332~~(2) are~~ is issued.

~~(5)~~(4) The provisions of this part with respect to the payment of

registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

~~(6)~~(5) (a) Except as provided in 61-3-562 and subsection ~~(6)(b)~~ (5)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or ~~reregistered~~ when registration is renewed. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection ~~(6)(a)~~ (5)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

~~(7)~~(6) (a) Except as provided in 61-3-562 and subsection ~~(7)(b)~~ (6)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or ~~reregistered~~ when registration is renewed. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

(b) The following vehicles are not subject to the fee:

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(ii) off-highway vehicles registered pursuant to 23-2-817; and

(iii) vehicles bearing license plates described in 61-3-458(3)(d).

~~(8)~~(7) The provisions of this section relating to ~~the payment of registration fees or~~ new ~~number~~ standard license plate fees do not apply when ~~number~~ license plates are transferred ~~to a replacement vehicle~~ under ~~61-3-317, 61-3-332, or~~ 61-3-335. Registration fees must be paid if the vehicle to which plates are transferred was not previously registered.

~~(9)~~(8) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)~~(9) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

~~(11)~~(10) (a) Unless a person exercises the option in subsection ~~(11)(b)~~ (10)(b), an additional fee of $4 must be collected for each light vehicle ~~or truck under 8,001 pounds GVW~~ registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle ~~or truck under 8,001 pounds GVW~~ may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional $4 fee provided for in subsection ~~(11)(a)~~ (10)(a). If a written election is made, the fee may not be collected."

Section 59. Section 61-3-322, MCA, is amended to read:

"**61-3-322. Registration receipts -- issuance.** (1) Upon completion of the original registration or registration renewal process, the department, an authorized agent, or a county treasurer shall issue a registration receipt to the owner of the vehicle.

(2) The registration receipt must contain the name and address of the vehicle owner, the license plate number assigned to the vehicle, sufficient information to identify the registered vehicle and determine its registration date and period of registration, and any additional information required by rule.

(3) The registration receipt must at all times be carried in the vehicle to which it refers or must be carried by the person driving or in control of the vehicle, who shall display it upon demand of a peace officer or any officer or employee of the department or the department of transportation."

Section 60. Section 61-3-324, MCA, is amended to read:

"61-3-324. Fleet registration -- application -- additions to and deletions from fleet. (1) A person owning or leasing a fleet may ~~apply to the department of transportation to~~ register the fleet annually through the department ~~of transportation~~ in lieu of registering each motor vehicle in its domicile.

(2) (a) ~~The application for~~ Except as provided in subsection (2)(b), fleet registration information, as prescribed by the department, must~~:~~

~~(a)~~ be submitted to the department ~~of transportation~~ prior to November 1 of each year~~;~~

~~(b) include a list of the motor vehicles in the fleet;~~

~~(c) include the current registration receipt for each motor vehicle; and~~

~~(d) include any other relevant information required by the department of transportation~~.

(b) The fleet owner or lessor and the department may enter into an agreement to change the registration period for the fleet in a manner that comports with the requirements of 61-3-311(3).

(3) A motor vehicle may be added to the fleet at any time during the registration period. If a certificate of title for a vehicle to be added to the fleet has not been issued by the department, the fleet owner or lessor may submit the application for certificate of title directly to the department.

(4) A motor vehicle may be removed from a fleet if the ~~owner of the~~ fleet ~~surrenders to~~ owner or lessor notifies the department of ~~transportation the current registration receipt and the license plate for the vehicle no later than December 31~~ its removal. ~~If the~~ Upon receipt ~~or license plate has been lost or stolen, the owner shall submit an affidavit explaining why he is not able to surrender the receipt or license plate~~ of the notice, the department shall cancel the vehicle's registration."

Section 61. Section 61-3-325, MCA, is amended to read:

"61-3-325. ~~Vehicles subject to staggered~~ Fleet registration -- ~~fees and taxes -- disposition~~ license plates. ~~(1) Any motor vehicle in the fleet that is subject to staggered registration under 61-3-313 through 61-3-316 may be~~

~~registered as part of the fleet on the following fleet renewal date. The department of transportation shall collect the remaining fees and taxes due for the registration year after crediting the registrant for the period that was previously paid.~~

~~(2)~~(1) (a) The department ~~of transportation~~ shall compute fees and taxes due on each motor vehicle in the fleet as provided in ~~part~~ parts 3 and 5 of this chapter, based on its domicile.

~~(b) The department of transportation shall also collect a registration fee of $7.50 for each motor vehicle in the fleet in lieu of the registration fee provided for in 61-3-321. The department shall retain $4.50 of each registration fee for administrative costs and forward the remaining $3 to the state treasurer for deposit in the general fund.~~

~~(c)~~(b) ~~All~~ Unless the fleet's registration period is changed under 61-3-324, all fees and taxes must be paid no later than February 15 each year.

(2) The department may issue a separate series of license plates for fleet vehicles that have the same background as standard license plates issued under 61-3-332 but have a separate numbering system determined by the department. At the request of the fleet owner or lessor and upon payment of all applicable fees, a license plate type other than the fleet plate may be issued to a fleet vehicle."

Section 62. Section 61-3-331, MCA, is amended to read:

"**61-3-331. Assignment of ~~number~~ license plates.** The county treasurer shall, at the time of issuing a registration receipt under 61-3-322, assign ~~such~~ the motor vehicle a distinctive ~~number, viz., the~~ license plate number, and unless the license plates must be specially ordered from the department, deliver to the applicant, depending on the type of motor vehicle that was registered, a set of two license plates or one license plate, ~~as received from the department,~~ each of which ~~shall~~ must bear ~~such~~ the assigned distinctive ~~numbers~~ number. ~~The department shall ship said license plates to the various county treasurers by freight, so that they will be received by the county treasurer on or before January 1 of each year.~~"

Section 63. Section 61-3-332, MCA, is amended to read:

"61-3-332. ~~Number~~ Standard license plates. ~~(1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.~~

~~(2)~~(1) In addition to special license plates, collegiate license plates, ~~and~~ generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of ~~number~~ standard license plates must be issued~~, in the manner specified,~~ for ~~each of the following vehicle or dealer types:~~

~~(a) passenger vehicles, including automobiles, vans, and sport utility vehicles;~~

~~(b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";~~

~~(c) trucks, bearing the letter "T" or the word "TRUCK";~~

~~(d) trailers, bearing the letters "TR" or the word "TRAILER";~~

~~(e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";~~

~~(f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";~~

~~(g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";~~

~~(h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and~~

~~(i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER"~~ motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles owned by other persons.

~~(3)~~(2) (a) Except as provided in 61-3-479 and subsections ~~(3)(b)~~ (2)(b), ~~(4)(c)~~ (3)(c), and ~~(4)(d)~~ (3)(d) of this section, all ~~number~~ standard license plates for motor vehicles must be issued for a minimum period of 4 years, bear a

distinctive marking, as determined by the department, and be furnished by the department. In years when ~~number~~ standard license plates are not issued, the department shall provide a registration decal that must be affixed to the rear license plate of the vehicle.

(b) For light vehicles that are permanently registered as provided in ~~61-3-527 or 61-3-315 and~~ 61-3-562 and vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration decal indicating that the vehicle is permanently registered. The registration decal must be affixed to the rear license plate of the permanently registered vehicle.

~~(4)~~(3) (a) Subject to the provisions of this section, the department shall create a new design for ~~number~~ standard license plates as provided in this section, and it shall manufacture the newly designed ~~number~~ standard license plates for issuance after December 31, 2005, to replace at renewal, as required in 61-3-312 ~~and 61-3-314~~, ~~number~~ standard license plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2006, the department shall manufacture and issue new ~~number~~ standard license plates after the existing plates have been used for a minimum period of 4 years.

(c) A ~~light~~ motor vehicle that is registered for a 13-month to a 24-month period, as provided in ~~61-3-315 and 61-3-560~~ 61-3-311, may display the ~~number~~ license plate and plate design in effect at the time of registration for the entire ~~24-month~~ registration period.

(d) A light vehicle described in subsection ~~(3)(b)~~ (2)(b) that is permanently registered may display the ~~number~~ license plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently registered.

~~(5)~~(4) For passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive border on ~~the~~ all license plates, and the word "Montana" must be placed on each license plate.

~~Registration~~ All license plates must be treated with a reflectorized background material according to specifications prescribed by the department.

~~(6)~~(5) The distinctive registration numbers for standard license plates must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special license plates, collegiate license plates, ~~and~~ generic specialty license plates, and fleet license plates, the distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

~~(7)~~(6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, ~~number~~ standard license plates must bear the following distinctive markings:

(a) For motor vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For motor vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for motor vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the ~~number~~ standard license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive

registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these ~~number~~ standard license plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the ~~number~~ license plates requires it and a year number may not be displayed on the ~~number~~ plates.

~~(8) Number plates issued to a passenger vehicle, truck, trailer, motorcycle, or quadricycle may be transferred only to a replacement passenger vehicle, truck, trailer, motorcycle, or quadricycle. A registration fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.~~

~~(9)~~(7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they are formed, beginning with the number 57.

~~(10)~~(8) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection ~~(6)~~ (5), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as

govern the issuance of regular license plates, must be placed or mounted on a motor vehicle owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the vehicle, and must be removed upon sale or other disposition of the vehicle.

~~(11)~~(9) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability. If the motor vehicle to which the license plate is attached is permanently registered, the owner of the motor vehicle shall ~~maintain~~ provide, upon request of a person authorized to enforce special parking laws or ordinances in this or any state, evidence of continued eligibility to use the license plate~~, which must be attached to the registration document in the vehicle~~ in the form of a valid special parking permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

~~(12)~~(10) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

Section 64. Section 61-3-333, MCA, is amended to read:

"**61-3-333. Replacing ~~number~~ license plates or decals.** (1) ~~If loss, mutilation, or destruction of number plates or a motor vehicle's registration decal occurs~~ Except as provided in subsection (2), if one or both license plates registered to a motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer or the registration decal for the motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer is mutilated or destroyed, the owner of the registered motor vehicle or trailer may obtain ~~from the department replacements of the number~~ a set of replacement license plates, a replacement license plate, or a duplicate registration decal upon filing a sworn declaration stating that fact and payment of a fee of $5. ~~If loss, mutilation, or destruction of pioneer plates occurs, duplicates may be obtained in the same manner upon payment of a fee of $5.~~

(2) If the owner requests that the replacement license plates bear the same background and license plate number as the plate or plates that were destroyed or mutilated, the duplicate license plate or plates may be issued upon payment of a fee of $25."

Section 65. Section 61-3-334, MCA, is amended to read:

"**61-3-334. Expiration of registration on transfer of ownership of vehicle -- duty to remove plates.** Upon the transfer of ownership of a motor vehicle, ~~the registration of the motor vehicle shall expire and it shall be the duty of~~ the transferor shall immediately to remove the license plates from the vehicle."

Section 66. Section 61-3-335, MCA, is amended to read:

"**61-3-335. Transfer of license plates to another motor vehicle.** (1) ~~Should the transferor make application for the registration of another motor vehicle at any time during the remainder of the current registration year as shown on the original certificate of registration, he may file an application in the office of the county treasurer where the motor vehicle is registered, upon a form to be prepared and furnished by the department, accompanied by the original certificate of registration, for the transfer of the license plates. The application for~~ A person may request the transfer of ~~the~~ license plates removed from ~~the~~ a motor vehicle ~~for which originally issued~~ under 61-3-334 to ~~a~~ another motor vehicle acquired or owned by the same person ~~in whose name the original license plates were issued shall be made within 20 days from date of acquiring the vehicle~~. The use of the license plates ~~shall~~ may not be legalized until proper transfer of license plates has been made.

(2) License plates may be transferred pursuant to this section without transferring ownership of the first vehicle.

(3) Upon transfer of the license plates, the registration of the motor vehicle from which the license plates were transferred expires. ~~The certificate of registration for such vehicle must be surrendered to the county treasurer with the application for transfer.~~"

Section 67. Section 61-3-345, MCA, is amended to read:

"61-3-345. ~~County motor~~ Motor vehicle computer system. ~~(1)~~ The department shall maintain a statewide online computer system to be used to title and register ~~and reregister~~ motor vehicles, boats, snowmobiles, and off-highway vehicles.

~~(2) The department shall establish the user advisory group to assist in the development of policies governing the registration and reregistration of motor vehicles, boats, snowmobiles, and off-highway vehicles. The user advisory group must be appointed by the attorney general and must include:~~

~~(a) an employee of the department of administration selected by the director of the department of administration;~~

~~(b) two county treasurers, selected by the Montana county treasurers association;~~

~~(c) one county motor vehicle section supervisor, selected by the Montana county treasurers association;~~

~~(d) an employee of the department of revenue who is engaged in property assessment, selected by the director of the department of revenue;~~

~~(e) an employee of the department of justice, data processing division, selected by the division administrator;~~

~~(f) an employee of the department of justice, motor vehicle division, registrar's bureau, selected by the division administrator;~~

~~(g) an employee of the department of justice, motor vehicle division, driver services bureau, selected by the division administrator;~~

~~(h) a member of the Montana bankers' association, selected by the association director;~~

~~(i) a member of the Montana automobile dealers association, selected by the association director; and~~

~~(j) a member or employee of the Montana American automobile association, selected by the association director.~~

~~(3) Committee members who are not employees of the state of Montana shall serve a term of 2 years, and state employee members shall serve at the pleasure of~~

~~the attorney general.~~

~~(4) Travel and per diem expenses for the committee must be charged to the motor vehicle division.~~

~~(5) Secretarial and support services for the committee must be provided by the motor vehicle division.~~

~~(6) The committee shall meet no more than four times a year unless specifically called by the attorney general.~~"

Section 68. Section 61-3-347, MCA, is amended to read:

"**61-3-347. Duties of county motor vehicle computer committee.** (1) The county motor vehicle computer committee shall:

(a) establish the requirements and specifications for the county motor vehicle computer system to be used by county treasurers and the department of justice to register and ~~reregister~~ renew the registration of motor vehicles, boats, snowmobiles, and off-highway vehicles;

(b) approve the purchase of computer equipment, including peripherals, to be used for the registration and ~~reregistration~~ renewal of the registration of motor vehicles, boats, snowmobiles, and off-highway vehicles;

(c) approve the procedures for the development of the county motor vehicle computer system provided for in 61-3-345 and for training in the use of that system.

(2) As used in this section, "computer system" means the county motor vehicle application system and does not include the central computer centers or imply that the department of administration is responsible for establishing policy and operating and maintaining central computer centers."

Section 69. Section 61-3-401, MCA, is amended to read:

"**61-3-401. Definition of personalized license plates.** Personalized license plates, as used in 61-3-401 through 61-3-406, ~~mean~~ are license plates that ~~have displayed upon them the registration number assigned to the passenger motor vehicle for which such registration number was issued in a~~ are specially produced

and display a specific combination of letters or numbers, or both, expressly requested by the owner of the vehicle."

Section 70. Section 61-3-402, MCA, is amended to read:

"**61-3-402. Personalized license plates authorized.** ~~Any~~ A person who is the registered owner of a motor vehicle, ~~a~~ truck, motor home, ~~camping~~ trailer, motorcycle, quadricycle, or other vehicle for the owner's personal use ~~registered with the department or who makes application for original registration of a motor vehicle~~ may upon payment of the fee prescribed in 61-3-406 apply to the department for personalized license plates in the manner prescribed in 61-3-405~~,~~. ~~which~~ The plates ~~shall~~ must be affixed to the ~~motor~~ vehicle for which registration is sought in lieu of the ~~regular~~ license plates ~~provided for in this chapter~~ numbered as provided in 61-3-332."

Section 71. Section 61-3-403, MCA, is amended to read:

"**61-3-403. Color and design of personalized license plates -- exception -- ~~county designation~~.** ~~(1)~~ Except as provided in 61-3-407 and 61-3-466, the personalized license plates must be the same color and design as ~~regular passenger motor vehicle~~ standard license plates and must consist of numbers or letters, or any combination ~~thereof~~ of numbers or letters, not exceeding eight positions and not less than two positions, provided that there are no conflicts with existing ~~passenger, commercial, trailer, motorcycle, quadricycle,~~ standard or special license plate series under this title. A registration decal must be displayed on personalized license plates as provided in 61-3-332.

~~(2) Upon the issuance of personalized license plates or upon the reregistration of any motor vehicle assigned personalized license plates that do not bear a county designation or no longer bear the correct county designation, the department shall provide nonremovable stickers bearing the appropriate county designation, which must be affixed to the license plates in use in accordance with instructions by the department.~~"

Section 72. Section 61-3-407, MCA, is amended to read:

"61-3-407. Personalized license plates for disabled -- special veteran and generic specialty license plates. Subject to the provisions of 61-3-405 and 61-3-406, an application for standard license plates bearing a wheelchair as the symbol of a person with a disability under 61-3-332(9), special veteran license plates under 61-3-458(3), or generic specialty license plates under 61-3-472 through 61-3-481 may be combined with an application for personalized plates. The application must be made on a form supplied by the department."

Section 73. Section 61-3-412, MCA, is amended to read:

"61-3-412. Display of original Montana license plates on collector's item and general transportation collector's item vehicles -- definition -- validation. (1) As used in 61-3-413 and this section, "original Montana license plate" means a license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle on which the license plate is authorized to be displayed.

(2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor vehicle registered as provided in 61-3-411 or 61-3-413 to display original Montana license plates, with validation as required in 61-3-413 or subsection (3) of this section, after:

(a) payment of the fee required in subsection (5);

(b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the motor vehicle and, upon payment of a $5 fee, receipt of the highway patrol officer's certification that the officer has determined that:

(i) the license plate is legible and meets the requirements of subsection (1); and

(ii) in the case of a license plate intended for use on a general transportation collector's item, the license plate is visible at night;

(c) receipt of an application by the owner of the motor vehicle as provided

for in 61-3-411 or 61-3-413; and

(d) in the case of a general transportation collector's item application, certification from the department that a duplicate license plate number does not exist among currently issued license plates.

(3) If the owner of a vehicle ~~registered under the provisions of 61-3-314~~ meets the requirements of subsection (2), the department shall:

(a) ~~file the application and~~ register ~~information on~~ the motor vehicle ~~in the manner~~ as prescribed in 61-3-303; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate vehicles described in 61-3-411(2)(a); or

(B) "V" to designate vehicles described in 61-3-411(2)(b).

(4) The owner of the motor vehicle shall permanently affix the validating decal to the windshield of the collector's item motor vehicle or, if a windshield does not exist, to another prominent and visible position on the vehicle.

(5) The owner of the motor vehicle shall pay to the department with the application required under this section a one-time special collector's item motor vehicle license fee of $20."

Section 74. Section 61-3-415, MCA, is amended to read:

"**61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution.** (1) A Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and who pays the fee required under subsection (2) may be issued a ~~set of~~ special motorcycle license ~~plates~~ plate bearing a design created by the department. The design must recognize the efforts of one or more Montana-based nonprofit organizations that grant wishes to chronically or critically ill Montana children.

(2) ~~A~~ In addition to the fee required in 61-3-527, a person requesting a ~~set of~~ special motorcycle license ~~plates~~ plate under this section shall pay to the county treasurer:

(a) an administrative fee of $5 upon ~~initial~~ issuance of the special license ~~plates~~ plate; and

(b) ~~an annual~~ a donation fee of ~~$20~~ $30 ~~upon initial issuance, renewal, or transfer of the special license plates~~.

(3) The county treasurer shall remit the fees required in subsection (2) to the department ~~of revenue~~. For each ~~set of plates~~ special plate issued, the department ~~of revenue~~ shall deposit $5 in the state general fund and ~~$20~~ $25 in an account in the state special revenue fund to be used by the department as provided in subsection (4).

(4) The department shall use the money deposited in the account in the state special revenue fund as provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

(5) The department shall adopt rules to identify the entity or entities that may qualify for grants under this section and to establish the criteria that an entity must meet to receive grant funds.

(6) The account in the state special revenue fund provided for in subsection (3) is statutorily appropriated to the department, as provided in 17-7-502."

Section 75. Section 61-3-421, MCA, is amended to read:

"61-3-421. Amateur radio operators -- special license plate. A ~~motor vehicle owner and~~ resident of this state who holds an unrevoked and unexpired official amateur radio station license and operator's license, "conditional" or higher class, issued by the federal communications commission of the United States, upon ~~written application on a form prescribed by the department, accompanied by~~ proof of ownership of the amateur radio station license and operator's license, ~~must~~ may be issued ~~lettered~~ a set of license plates ~~in pairs (two identically lettered plates), in lieu of the regular license plates prescribed by law. There must be stamped or impressed upon the special license plates in clear lettering~~ displaying the official amateur radio call letters of

the owner as assigned to the owner by the federal communications commission~~,~~ for a light vehicle or motor home owned by and registered to the resident. ~~and the~~ The plates ~~so lettered~~ must be renewed as provided in 61-3-312."

Section 76. Section 61-3-422, MCA, is amended to read:

"61-3-422. Issuance -- application -- additional fee. The department shall issue ~~lettered~~ license plates with the official amateur radio call letters ~~as provided in 61-3-421~~ to an amateur radio ~~operators~~ operator upon:

(1) application showing proof that the applicant is the owner and holder of an amateur radio station license and operator's license;

(2) compliance with the state ~~motor vehicle~~ laws relating to titling and registration ~~and licensing~~ of ~~motor~~ light vehicles and motor homes;

(3) payment, or proof of payment, of all other fees and taxes applicable to ~~regular motor vehicle license plates~~ the light vehicle or motor home; and

(4) payment of a $5 additional fee."

Section 77. Section 61-3-425, MCA, is amended to read:

"61-3-425. Special plates -- how affixed to car -- sale or transfer of auto -- revocation or expiration of radio license. The ~~lettered~~ license plates~~, as herein provided, are in lieu of the regular license plates on the motor vehicle owned by the amateur radio licensee for the period of time that~~ issued under 61-3-422 may be renewed as long as the amateur radio license is in force under the federal communications commission and the special license issued hereunder is in force~~, but no longer~~. If the official amateur radio license is revoked or expires for any reason, the license ~~plate~~ plates must be removed immediately by the owner of the ~~motor~~ light vehicle or motor home, and ~~it is the responsibility of~~ the owner ~~to then~~ shall obtain ~~regular~~ standard license plates numbered as provided in 61-3-332. If the ~~motor~~ light vehicle or motor home is sold or otherwise transferred, the owner and holder of valid official amateur radio station and operator's licenses ~~has the right to~~ may transfer the ~~lettered~~ amateur radio license plates to another ~~motor~~ light vehicle or motor home owned by ~~him upon such~~

~~reasonable conditions as may be prescribed by the department~~ the holder as provided in 61-3-335. On the revocation or expiration of the amateur radio station and operator's licenses, the ~~lettered~~ license plates ~~as~~ issued under 61-3-422 must be returned and surrendered to the department."

Section 78. Section 61-3-426, MCA, is amended to read:

"61-3-426. Combined license plates. (1) An application for license plates for amateur radio operators may be combined with an application for the special license plates issued under 61-3-458(3) or with an application for special license plates issued to a person with a disability who complies with the provisions in ~~61-3-332(11)~~ 61-3-332(9).

(2) Issuance of combined license plates is subject to 61-3-422.

(3) The combined license plates must ~~be stamped with~~ display the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission. The plates must also ~~be stamped with~~ display the design or decal provided for in ~~61-3-332(11)~~ 61-3-332(9) or 61-3-458(3)."

Section 79. Section 61-3-431, MCA, is amended to read:

"61-3-431. Special mobile equipment -- exemption from registration and payment of fees and charges -- identification ~~plate~~ decal -- special demonstration permit -- publicly owned special mobile equipment. (1) A person, firm, partnership, or corporation who owns, leases, or rents special mobile equipment as defined in 61-1-104 and occasionally moves that equipment on, over, or across the highways of the state is not subject to registration of that equipment or required to pay the fees and charges provided for in 61-4-301 through 61-4-308 or part 2 of chapter 10. Prior to movement on the highways:

(a) each piece of equipment must display an equipment identification ~~plate~~ decal or a dealer's license plate attached to the equipment, except for equipment referred to in 61-1-104(2) that is brought into Montana for demonstration purposes;

(b) each piece of equipment referred to in 61-1-104(2) that is brought into

Montana for demonstration purposes must have a ~~special demonstration~~ temporary registration permit conspicuously displayed.

(2) (a) Annual application for the identification ~~plate~~ decal must be made to the county treasurer before any piece of equipment is moved on the highways. Application must be made on a form furnished by the department, together with the payment of a fee of $5. The equipment for which a special mobile equipment ~~plate~~ decal or for which a ~~special demonstration~~ temporary registration permit is sought is subject to the assessment of personal property taxes on the date application is made for the ~~plate~~ decal or the date determined pursuant to subsection (4). The personal property taxes assessed against the special mobile equipment must be paid before a special mobile equipment ~~plate~~ decal may be issued. The fees collected under this section must be deposited in the state general fund, except that $25 of the ~~special demonstration~~ temporary registration permit fee must be remitted to the department of transportation.

(b) Application must be made for a ~~special demonstration~~ temporary registration permit as provided in subsection (1)(b). The application must be made to the county treasurer or to ~~a weigh station~~ an authorized agent before the piece of equipment is moved on Montana highways. Application for the ~~special demonstration~~ temporary registration permit must be made on a form furnished by the department and must be accompanied by the payment of a fee of $50, in addition to the fee required under 61-3-224.

(3) The identification ~~plate~~ decal expires on December 31 of each year. If the expired identification ~~plate~~ decal is displayed, an owner of special mobile equipment registered under the provisions of this section is entitled to operate the equipment between January 1 and February 15 following expiration without displaying the identification ~~plate~~ decal or receipt of the current year.

(4) (a) The ~~special demonstration~~ temporary registration permit expires ~~45~~ 40 days after its issuance. Special mobile equipment that remains in the state past the expiration of the permit is subject to the assessment of personal property taxes, starting on the first day following expiration of the permit.

(b) If the holder of a ~~special demonstration~~ temporary registration permit

leases or sells the piece of equipment during the term that is covered by the permit, the permit is no longer valid and the special mobile equipment is subject to the assessment of personal property taxes, starting on the first day of the lease or the date of the sale.

(5) Publicly owned special mobile equipment and implements of husbandry used exclusively by an owner in the conduct of the owner's farming operations are exempt from this section."

Section 80. Section 61-3-433, MCA, is amended to read:

"**61-3-433. Issuance of identification ~~plate~~ decal and receipt -- contents.** The county treasurer shall issue to an applicant for an equipment identification ~~plate~~ decal a single ~~metal plate~~ decal with a distinguishing number and a receipt for the fee collected~~,~~. ~~which~~ The receipt ~~shall~~ must contain the name and address of the applicant, the number of the ~~plate~~ decal issued, the serial number of the equipment, and a brief description of that equipment."

Section 81. Section 61-3-446, MCA, is amended to read:

"**61-3-446. Retention of special license plates.** If during a registration year the holder of special license plates issued under ~~61-3-332(10)~~ 61-3-332(8) or generic specialty license plates issued as provided in 61-3-472 through 61-3-481 disposes of the vehicle to which the plates are affixed, the holder may retain the plates and ~~affix~~ transfer them to another vehicle under 61-3-335."

Section 82. Section 61-3-456, MCA, is amended to read:

"**61-3-456. Registration of motor vehicle owned and operated by Montana resident on active military duty stationed outside Montana.** (1) As an incentive for military service, an owner of a motor vehicle who is a Montana resident who entered active military duty from Montana and who is stationed outside Montana may file with the department an application for the registration of the motor vehicle. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle; and

(c) that the vehicle is owned and operated by a Montana resident who meets the qualifications of subsection (1) and is on active military duty and stationed outside Montana.

(2) The registration fee for a motor vehicle registered under subsection (1) is as provided in ~~61-3-311 and~~ 61-3-321.

(3) A vehicle registered under this section is not subject to:

(a) the taxes or fees described in 61-3-303(5)(b);

(b) ~~assessment under 15-8-202 or 61-3-503,~~ the fee in lieu of tax under 61-3-529~~,~~ or the registration fee under 61-3-560 through 61-3-562; or

(c) any of the fees provided in part 5 of this chapter."

Section 83. Section 61-3-458, MCA, is amended to read:

"61-3-458. Special plates for military personnel, veterans, and spouses. (1) (a) Active military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may be issued special military or veteran license plates as provided in this section.

(b) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special license plates issued pursuant to this section must be numbered in sets of two with a different number on each set and must be properly displayed as provided in 61-3-301. Special military or veteran license plates may not be issued for a motorcycle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer.

(2) (a) Upon application, after paying all applicable vehicle registration fees and special license plate fees and providing an official certificate from the applicant's unit commander verifying the individual's eligibility and authorizing the department to issue the plates to the individual, eligible military personnel may be issued one set of special military license plates as provided in this subsection (2).

(b) A member of the Montana national guard who is a state resident may be issued special license plates with a design or decal displaying the letters "NG". However, the member shall surrender the plates to the department when the member becomes ineligible.

(c) A member of the reserve armed forces of the United States who is a state resident may be issued special license plates according to the member's branch of service verified in the application with a design or decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe and anchor). However, the member shall surrender the plates to the department when the member becomes ineligible.

(d) An active member of the regular armed forces of the United States who is a state resident may be issued special license plates inscribed with a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the member's branch of service verified in the application. However, the member shall surrender the plates to the department upon becoming ineligible.

(3) (a) Upon application, after presenting proper identification and a department of defense form 214 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, an eligible veteran must be issued any set and more than one set of the special license plates provided for in this subsection (3) that the member requests and is eligible to receive.

(b) A veteran may be issued special license plates displaying the letters "DV", which entitles the veteran to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part 3, if the veteran:

(i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as 50% or more disabled because of a

service-connected injury; or

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability.

(c) A veteran who has been awarded the purple heart may be issued special license plates with the purple heart decal displaying the words "combat wounded".

(d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued special license plates with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(e) If the veteran was a member of the United States armed forces on December 7, 1941, and during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special license plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

(f) A person who is a member of the legion of valor may be issued special plates displaying a design or decal depicting the recognized legion of valor medallion.

(g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the veteran's service record verified in the application.

(h) A member or former members of the Montana national guard eligible to receive a military retirement may be issued special license plates displaying the Montana national guard insignia and the words "National Guard veteran".

(4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible veteran, if the spouse has not remarried, may retain the special license plates issued to the deceased veteran, except the special "DV" plates provided for under subsection (3)(b).

(5) For purposes of this section, "veteran" has the meaning provided in

10-2-101."

Section 84. Section 61-3-463, MCA, is amended to read:

"61-3-463. Collegiate license plates. (1) Subject to the provisions of ~~61-3-332(4)~~ 61-3-332(3) and the requirement that collegiate license plates must have a white reflectorized background, the department shall design, cause to be manufactured, and issue collegiate license plates as provided in 61-3-464 through 61-3-466.

(2) After consultation with each institution, the department shall prescribe the color and insignia to be displayed on the collegiate license plates for each institution.

(3) In addition to each institution's distinctive color and insignia provided in subsection (2), each collegiate license plate must:

(a) be imprinted consecutively with distinctive numerals from 1 through 99999, capital letters A through Z, or a combination of numerals and letters; and

(b) bear a registration decal ~~denoting the correct county designation under~~ as provided in 61-3-332.

(4) The department shall determine the minimum and maximum number of characters, including both numerals and letters, on the collegiate license plates.

(5) An issue of collegiate license plates may not be ordered or manufactured for any individual institution unless at least 400 sets of plates are ordered and prepaid."

Section 85. Section 61-3-474, MCA, is amended to read:

"61-3-474. Responsibility for design of generic specialty license plates -- numbering -- rulemaking -- approval -- registration decal -- listing of plate sponsors. (1) The department shall:

(a) design the background and general format of generic specialty license plates;

(b) in consultation with the department of corrections, determine which license plate processing system is the most efficient and versatile manufacturing

method for the production of generic specialty license plates;

(c) use a numbering system for generic specialty license plates that is distinctive from the numbering system required under 61-3-332 or used for collegiate license plates;

(d) adopt rules that prescribe:

(i) the minimum and maximum number of characters that a generic specialty license plate may display;

(ii) the general placement of the sponsor's name, identifying phrase, and graphic; and

(iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license plates must be approved by the department prior to the manufacture of the plates.

(3) Upon the issuance of generic specialty license plates, ~~the department shall provide registration decals bearing the appropriate county designation as provided in 61-3-332. The~~ a registration decal must be affixed to the license plates ~~in use in accordance with instructions by the department~~ as provided in 61-3-332.

(4) The department shall maintain a list of the sponsors that have been approved to promote the sale and issuance of generic specialty license plates, the initial distribution date for sale of each sponsored generic specialty license plate, and the donation fee established by the sponsor for each sponsored generic specialty license plate. The department shall, upon request, make copies of this list available to interested members of the public.

(5) The department may, in its discretion, revoke its previous approval of a sponsor's generic specialty license plate sponsorship if:

(a) the sponsor fails to comply with the provisions of 61-3-472 through 61-3-481;

(b) fewer than 400 sets of a sponsor's generic specialty license plate have been sold or renewed in the 12-month period immediately preceding the third

anniversary of the date of initial distribution of the sponsored generic specialty license plate; or

(c) the department has reliable information that the sponsor is no longer qualified for sponsorship under 61-3-472 through 61-3-481.

(6) (a) Upon revocation of a sponsor's generic specialty license plate sponsorship status, the issuance and sale of the sponsor's generic specialty license plates must be terminated and a donation fee may not be charged or collected upon registration renewal of a vehicle displaying previously issued generic specialty license plates affiliated with that sponsor.

(b) A person who owns a vehicle displaying valid generic specialty license plates affiliated with a sponsor whose sponsorship status has been revoked may continue to display those generic specialty license plates on the person's vehicle if the vehicle's registration is properly renewed in subsequent years and the plates remain legible.

(c) Following revocation of a sponsor's sponsorship status, the department may not issue replacements or duplicates of generic specialty license plates affiliated with that sponsor ~~that are lost,~~ if the license plates are destroyed~~,~~ or mutilated."

Section 86. Section 61-3-479, MCA, is amended to read:

"61-3-479. Issuance of generic specialty license plates -- qualifications. (1) (a) Except as provided in subsection (1)(b), the department shall issue a set of generic specialty license plates to a person who applies for a particular style of generic specialty license plates and pays the donation fee established by the plate sponsor and the administrative fee required in 61-3-480.

(b) If the sponsor of a generic specialty license plate is not listed on the county collection report published by the department of revenue and required under 15-1-504 as of the initial distribution date for the sale of the sponsor's plates, the department shall require the sponsor to collect the initial donation fee from, and issue a special certificate of registration to, a person who is eligible to receive the sponsor's generic specialty license plates. The person

shall present the special certificate of registration upon application for the generic specialty license plates.

(2) A set of generic specialty license plates may be issued for any vehicle, except a trailer of any size, a motorcycle, or a quadricycle.

(3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives generic specialty license plates is subject to the same rules and laws as those that govern ~~number~~ standard license plates.

(b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to the same rules and laws that govern the issuance of ~~number~~ standard license plates.

(c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any maximum issuance or use limitation that may be imposed on ~~number~~ standard license plates.

(4) A person may combine an application for a generic specialty license plate with an application for a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability as provided in ~~61-3-332(11)~~ 61-3-332(9)."

Section 87. Section 61-3-481, MCA, is amended to read:

"61-3-481. Generic specialty license plates -- restrictions on use. (1) Generic specialty license plates may be issued by the department in conjunction with the registration of any vehicle, except a trailer of any size, a motorcycle, or a quadricycle. The department may not issue generic specialty license plates without the motor vehicle having been registered.

(2) Generic specialty license plates may be used only as the official ~~number~~ license plates for a motor vehicle."

Section 88. Section 61-3-501, MCA, is amended to read:

"61-3-501. When motor vehicle taxes and fees are due. (1) ~~Light~~ Motor vehicle registration fees, local option vehicle taxes or fees, fees in lieu of tax, and other fees must be paid on the date of registration or ~~reregistration~~

renewal of registration of the motor vehicle.

~~(2) (a) If the anniversary date for reregistration of a vehicle passes while the vehicle is owned and held for sale by a licensed new or used car dealer, light vehicle registration fees, local option vehicle taxes or fees, or fees in lieu of tax abate on the vehicle properly reported with the county treasurer until the vehicle is the subject of a retail sale. After the sale, the purchaser shall pay the pro rata balance of the light vehicle registration fees, local option vehicle taxes or fees, or fees in lieu of tax due and owing on the vehicle.~~

~~(b) A person selling a vehicle or trading a vehicle to a dealer shall disclose to the purchaser any amount of taxes or fees in lieu of tax that are due or past due on the vehicle at the time the person sells a vehicle or trades a vehicle to a dealer. If the disclosure is not made, the person selling the vehicle or trading the vehicle to the dealer shall pay the taxes or fees. Taxes or fees in lieu of tax that are due or past due on a vehicle at the time that a person sells or trades the vehicle to a dealer must be paid by the person who sold or traded the vehicle to the dealer, unless the person who purchases the vehicle from the dealer agrees in writing to assume the payment of those taxes or fees. This subsection (2)(b) does not apply to fleet vehicles, leased vehicles, or rental return vehicles.~~

~~(c) For the purposes of this subsection (2), a retail sale does not include a transfer between any of the following:~~

~~(i) a licensed new motor vehicle or used motor vehicle dealer;~~

~~(ii) another licensed new motor vehicle or used motor vehicle dealer;~~

~~(iii) a licensed wholesaler; or~~

~~(iv) a licensed auto auction.~~

~~(3) In the event that a vehicle's registration period is changed under 61-3-315, all light vehicle registration fees, local option vehicle taxes or fees, fees in lieu of tax, and other fees due must be prorated and paid from the last day of the old period until the first day of the new period in which the vehicle is registered. The light vehicle registration fees, local option vehicle taxes or fees, fees in lieu of tax, and other fees must be paid from the first day of the~~

~~new period for a minimum period of 1 year. When the change is to a later registration period, light vehicle registration fees, local option vehicle taxes or fees, and other fees must be prorated and paid based on the same tax year as the original registration period. Thereafter, during the appropriate anniversary registration period, each vehicle must again be registered or reregistered and all light vehicle registration fees, local option vehicle taxes or fees, and other fees must be paid for a 12-month period.~~

(2) Motor vehicle registration fees, fees in lieu of tax, and local option taxes or fees imposed under this chapter do not accrue after ownership of the vehicle has been transferred to another person.

(3) (a) For purposes of this chapter and except as provided in subsection (3)(b), the age of a motor vehicle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for calculating the age of the motor home under 61-3-522."

Section 89. Section 61-3-503, MCA, is amended to read:

"**61-3-503. Assessment.** (1) (a) Except as provided in 61-3-520 ~~and subsection (4) of this section~~, ~~the following apply to the taxation of motor vehicles:~~

~~(a) For the purposes of imposing the local option vehicle tax under 61-3-537,~~ light vehicles subject to ~~the provisions of 61-3-313 through 61-3-316~~ a local option vehicle tax under 61-3-537 must be assessed the tax as of the first day of the registration period, using the depreciated value of the manufacturer's suggested retail price as determined in subsection (2).

(b) A lien for taxes and fees due on the vehicle occurs on the anniversary date of the registration and continues until the fees and taxes have been paid. If the depreciated value is less than $500, the department shall value the vehicle at $500.

(2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated value for the taxation of light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier based on the type and age of the vehicle determined from the following table:

Age of Vehicle	Type of Vehicle			
(in years)	Automobile	Truck	Van	Sport Utility
-1	100%	100%	100%	100%
0	90	96	93	98
1	80	91	86	94
2	69	86	78	90
3	58	80	69	84
4	49	73	60	76
5	41	66	52	67
6	33	57	45	57
7	26	49	38	48
8	21	43	32	39
9	17	37	27	33
10	14	31	22	29
11	12	26	18	25
12	10	22	15	22
13	09	18	13	21
14	09	15	11	19
15	09	13	09	17
16	09	12	09	15

(b) The age for the light vehicle is determined ~~by subtracting the manufacturer's model year of the vehicle from the calendar year for which the tax is due~~ under 61-3-501.

(c) If the value of the vehicle determined under subsection (2)(a) is $500 or less, the value of the vehicle is $500 and the value must remain at that amount as long as the vehicle is registered.

(d) The depreciated value of a light vehicle that is 17 years old or older is computed by depreciating the value obtained for the vehicle at 16 years old, as determined under subsection (2)(a), by 10% a year until a minimum value of $500 is attained. The value must remain at that amount as long as the vehicle is registered.

(3) (a) For the purposes of this section, "manufacturer's suggested retail price" means the price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first made available for retail sale by the manufacturer.

(b) The manufacturer's suggested retail price is based on standard equipment of a vehicle and does not contain price additions or deductions for optional accessories.

(c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the department shall determine an alternative valuation for the vehicle.

~~(4) The provisions of subsections (1) through (3) do not apply to buses, trucks having a manufacturer's rated capacity of more than 1 ton, truck tractors, motorcycles, motor homes, quadricycles, travel trailers, campers, mobile homes or manufactured homes as those terms are defined in 15-1-101(1).~~"

Section 90. Section 61-3-520, MCA, is amended to read:

"**61-3-520. Fees on vehicles used exclusively in filming motion pictures or television commercials.** (1) A vehicle used exclusively in the filming of motion pictures or television commercials that has been in the state for a period exceeding 180 consecutive days in a calendar year is subject to ~~a~~ applicable registration ~~fee under 61-3-560 and 61-3-561~~ fees, including one-time registration fees for vehicles subject to permanent registration or a fee in lieu of tax under this chapter as if the vehicle were not used exclusively for filming motion pictures or television commercials, but the registration ~~fee~~ fees or ~~fee~~ fees in lieu of tax must be prorated as provided in subsection (2).

(2) (a) The registration fees or the fees in lieu of tax imposed under subsection (1) must be prorated by dividing the number of days in excess of 180

consecutive days in the calendar year by 365.

(b) Fees on a vehicle imposed pursuant to this section must be collected as provided in this chapter."

Section 91. Section 61-3-522, MCA, is amended to read:

"61-3-522. Schedule of fees for motor homes. (1) The owner of a motor home shall pay ~~a~~ an annual fee in lieu of tax based on the age of the motor home according to the following schedule:

less than 2 years old	$250
2 years old and less than 3 years old	230
3 years old and less than 4 years old	195
4 years old and less than 5 years old	150
5 years old and less than 6 years old	125
6 years old and less than 7 years old	100
7 years old and less than 8 years old	75
8 years old and older	65

(2) ~~(a) Except as provided in subsection (2)(b), the~~ The age of a motor home ~~is~~ must be determined ~~by subtracting the manufacturer's designated model year from the current calendar year~~ under 61-3-501.

~~(b) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~"

Section 92. Section 61-3-527, MCA, is amended to read:

"61-3-527. One-time fee in lieu of tax for motorcycles and quadricycles -- permanent registration. (1) (a) ~~There~~ Except as provided in subsection (2), there is a one-time fee in lieu of property tax of ~~$20 in calendar year 2004 and, in each subsequent year,~~ $40 imposed on motorcycles and quadricycles that are subject to one-time registration. The fee is in addition to registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a

dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle with a special license ~~plates~~ plate issued under 61-3-415 shall pay ~~an annual fee based on the age of the motorcycle or quadricycle and the size of the engine, according to the following schedule:~~

~~(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:~~

~~(i) less than 5 years old, $30;~~

~~(ii) 5 years old but less than 11 years old, $15; and~~

~~(iii) 11 years old and older, $6~~ the $40 one-time registration fee imposed under subsection (3) and the fees imposed under 61-3-415.

~~(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:~~

~~(i) less than 5 years old, $55;~~

~~(ii) 5 years old but less than 11 years old, $20; and~~

~~(iii) 11 years old and older, $6.~~

~~(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:~~

~~(i) less than 5 years old, $90;~~

~~(ii) 5 years old but less than 11 years old, $50; and~~

~~(iii) 11 years old and older, $6.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

~~(4)~~(3) A person who registers a motorcycle or quadricycle as provided in this section shall pay an additional one-time fee of $1.25 at the time of

registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the $1.25 fee collected under this subsection from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

~~(5)~~(4) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. (Subsection ~~(4)~~ (3) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

Section 93. Section 61-3-529, MCA, is amended to read:

"61-3-529. Schedule of fees for buses, motor vehicles having rated capacity of more than 1 ton, and truck tractors -- proration -- exemption. (1) (a) There is ~~a~~ an annual fee in lieu of property tax imposed on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer of buses, trucks, or truck tractors that constitute inventory of the dealership.

(2) Subject to the conditions of subsection (4), the owner of a bus, truck with a manufacturer's rated capacity of more than 1 ton, or truck tractor shall pay a fee in lieu of tax based on the age and manufacturer's rated capacity of the vehicle according to the following schedule:

Age of Vehicle	Rated Capacity (in pounds)			
(in years)	16,999 or less	17,000-26,999	27,000-54,999	55,000 or more
1 or less	$117	$167	$284	$375
2	109	150	250	300
3	100	134	220	266
4	92	117	184	242
5	83	109	160	195
6	75	100	134	167
7	66	91	117	147

8	58	83	100	125
9	50	75	92	109
10	41	58	79	92
11-12	33	50	67	76
13-14	28	37	52	61
15-16	25	30	38	47
17-18	18	26	29	36
19-20	13	19	22	26
21 or more	10	12	16	20

(3) The age of the vehicle ~~is~~ must be determined ~~by subtracting the manufacturer's model year of the vehicle from the calendar year for which the fee in lieu of tax is due~~ under 61-3-501.

(4) (a) The manufacturer's rated capacity for a bus or truck with a manufacturer's rated capacity of more than 1 ton is the manufacturer's rated gross vehicle weight.

(b) The manufacturer's rated capacity for a truck tractor is the manufacturer's rated gross combined weight.

~~(5) A motor vehicle brought into the state or otherwise used for the exclusive purpose of filming motion pictures or television commercials is exempt from the fee in lieu of tax if the vehicle does not remain in the state for a period in excess of 180 consecutive days in a calendar year.~~

~~(6)~~(5) Except as provided in 61-3-520, the fee in lieu of tax on a vehicle subject to this section that is brought or driven into this state by a nonresident person for hire, compensation, or profit must be prorated ~~according to the ratio that the remaining number of months in the year bears to the total number of months in the year~~ as determined and paid under 61-3-701.

~~(7) (a) The fee in lieu of tax on a vehicle subject to this section that is registered in the state for the first time must be prorated as provided in subsection (6).~~

~~(b) The fee in lieu of tax on a vehicle subject to this section that is reregistered in the state is for a full year.~~

~~(8)~~(6) The fee in lieu of tax may not be refunded."

Section 94. Section 61-3-535, MCA, is amended to read:

"61-3-535. Vehicle ~~reregistration by mail~~ renewal -- reminder notice and ~~reregistration notice~~ renewal by mail. (1) The ~~department may allow the~~ owner of a motor vehicle ~~to~~ subject to renewal of registration under 61-3-312 may renew the registration of a vehicle by mail or by electronic methods when the value, age, length, weight, or other criteria used to determine the tax or fee for a particular type of vehicle is available to the department by electronic means.

(2) Any mail ~~reregistration~~ renewal procedure developed by the department must include a procedure to facilitate automated handling of mail ~~reregistration~~ renewal and must provide for a written reminder notice by mail to a vehicle owner of the requirement to ~~reregister the owner's vehicle with the county treasurer or to apply for the annual~~ renew the vehicle's registration ~~decal~~.

~~(3) The department shall adopt rules to implement the mail reregistration and registration decal application procedure.~~"

Section 95. Section 61-3-560, MCA, is amended to read:

"61-3-560. Light vehicle registration fee -- exemptions -- 24-month registration. (1) Except as provided in subsections (2) and (3), there is ~~a~~ an annual registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(2) The following vehicles are exempt from the fee imposed in subsection (1):

(a) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

(b) a light vehicle owned by a person eligible for a waiver of registration fees under 61-3-460;

(c) a light vehicle registered under 61-3-456.

(3) A dealer for light vehicles is not required to pay the registration fee

for light vehicles that constitute inventory of the dealership and that are reported under 61-3-501.

~~(4) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period. However, the registration fees required under 61-3-321(1)(a) or (1)(b) paid at the time of registration or reregistration apply for the entire registration period.~~"

Section 96. Section 61-3-561, MCA, is amended to read:

"**61-3-561. Schedule of fees for light vehicles -- limitation on fee -- payment of fee required for operation.** (1) The following schedule, based on vehicle age, is used to determine the annual registration fee imposed by 61-3-560:

Vehicle Age (in years)	Annual Fee
4 or less	$195
5-10	65
11 or more	6

(2) A light vehicle subject to the registration fee imposed by 61-3-560 may not be operated unless the fee has been paid and the vehicle is licensed. A lien for fees due on the vehicle occurs on the anniversary date of the registration and continues until the fees have been paid.

(3) ~~For the purposes of this section, "vehicle age" means the~~ The age of the light vehicle must be determined ~~by subtracting the manufacturer's model year of the vehicle from the calendar year for which the registration fee is due~~ under 61-3-501."

Section 97. Section 61-3-562, MCA, is amended to read:

"**61-3-562. Permanent registration -- transfer of vehicle ownership -- rules.** (1) (a) Except as provided in subsection (1)(c), the owner of a light vehicle 11 years old or older subject to the registration fee, as provided in

61-3-561, may permanently register the vehicle upon payment of a $50 registration fee, the applicable registration and license fees under 61-3-321 and 61-3-412, and an amount equal to five times the applicable fees imposed for each of the following:

~~(i) junk vehicle disposal fees under 15-1-122(3)(a);~~

~~(ii) weed control fees under 15-1-122(3)(b);~~

~~(iii) the former county motor vehicle computer fees under 61-3-511;~~

~~(iv)~~(i) the local option vehicle tax or flat fee on vehicles under 61-3-537;

~~(v)~~(ii) if applicable, ~~special license plate fees under 61-3-332 and~~ renewal fees for personalized plates under 61-3-406; and

~~(vi)~~(iii) senior citizens and persons with disabilities transportation services fees as provided in ~~61-3-321(6)~~ 61-3-321(5).

(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional $2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the $2 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(c) The following series of license plates may not be used for purposes of permanent registration of a vehicle:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

~~(iii) license plates bearing a wheelchair design as a symbol of a person with a disability issued under 61-3-332(11);~~

~~(iv)~~(iii) amateur radio operator license plates issued under 61-3-422;

~~(v)~~(iv) collegiate license plates issued under 61-3-465; and

~~(vi)~~(v) generic specialty license plates issued under 61-3-479.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a motor vehicle that is permanently registered under this

section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall:

(a) distribute the $50 registration fee collected under this section as provided in 61-3-509;

(b) once each month, remit to the department of revenue the amounts collected under this section, other than the local option vehicle tax or flat fee, for the purposes of ~~61-3-321(3)~~ 61-3-321(2) and 61-10-201. The county treasurer shall retain the local option vehicle tax or flat fee.

(5) (a) The permanent registration of a motor vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.

(b) Upon transfer of a motor vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and 61-3-216 and ~~file an application for registration~~ register the motor vehicle under 61-3-303. (Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

Section 98. Section 61-3-701, MCA, is amended to read:

"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity. (1) ~~Before~~ A person may not operate a motor vehicle that is registered in another jurisdiction ~~may be operated~~ on the highways of this state if the motor vehicle is used for hire, compensation, or profit or ~~before the owner or user of the vehicle uses the vehicle~~ if the ~~owner or user~~ person is engaged in gainful occupation or business enterprise in the state, including highway work, ~~the owner of the vehicle shall register~~ unless the motor vehicle is registered at the office of a county treasurer or an authorized agent of the department. Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by ~~15-8-201, 15-8-202,~~

~~15-24-301~~ 61-3-321, 61-3-529, 61-3-537, or 61-3-560 and 61-3-561, the treasurer or authorized agent shall enter the vehicle for registration purposes only on the electronic registry maintained by the department under 61-3-101. One-fourth of the annual fees or taxes due on the motor vehicle subject to registration under this section must be paid for each calendar quarter or portion of a calendar quarter for the year that the motor vehicle will be located or operated in Montana.

(2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue to the motor vehicle owner a registration receipt, ~~and the proper~~ license plates, ~~or other identification markers~~ and a registration decal indicating the calendar quarter and year for which the motor vehicle is registered. The license plates, with attached registration decal, ~~or identification markers~~ must at all times be displayed upon the motor vehicle when operated or driven upon roads and highways of this state during the registration period indicated on the receipt.

(3) The registration receipt does not constitute evidence of ownership but must be used only for registration purposes. A Montana certificate of title may not be issued for a motor vehicle registered under this section.

(4) This section is not applicable to a motor vehicle covered by a valid and existing reciprocal agreement or declaration entered into under Montana law."

Section 99. Section 61-3-707, MCA, is amended to read:

"61-3-707. ~~Foreign vehicles used for transportation in connection with employment~~ Health care professional exception. ~~(1) (a) Before a motor vehicle that has been assessed a fee pursuant to 15-24-301(4) may be operated in Montana for a calendar quarter, the person responsible for payment of fees shall apply for and obtain a window decal provided by the department.~~

~~(b) Decals must be color-coded to distinguish the four quarterly registration periods of the year.~~

~~(c) An applicant may purchase a decal for more than one registration quarter at a time by paying the appropriate amount.~~

~~(d) There is a $2 fee for each decal, and money collected from this fee~~

~~must be deposited to the state general fund. The $2 fee is in addition to the registration fee.~~

~~(c) A current window decal must be displayed on the lower right-hand corner of the windshield.~~

~~(2) (a)~~ (1) Before a motor vehicle exempted pursuant to 15-6-217 may be operated in Montana, the person responsible for the motor vehicle shall apply for and obtain a window decal from the county treasurer. The fee for the decal is $2. The department shall supply the decals to the county treasurers.

~~(b)~~ (2) An application approved by the department must include a verification from the employer that the person is employed by a Montana health care facility that is located in an area that has been:

~~(i)~~ (a) designated by the secretary of the federal department of health and human services as a health professional shortage area, as provided in 42 U.S.C. 254(e); or

~~(ii)~~ (b) determined to have a critical shortage of nurses, as provided in 42 U.S.C. 297n(a)(3).

~~(c)~~ (3) Decals expire each year on December 31 of the year in which issued, and application for ~~reregistration~~ renewal of registration must be filed with the county treasurer no later than February 15 of each year. Decals must be color-coded to distinguish the year.

~~(d)~~ (4) A current window decal must be displayed on the lower right-hand corner of the windshield."

Section 100. Section 61-3-721, MCA, is amended to read:

"61-3-721. Proportional registration of fleet vehicles, registration periods, application, fee formula, and payment -- transfer of ownership -- transfer of license plates. (1) An owner of one or more fleets may register and license each fleet for operation in this state by filing an application with the department of transportation. The application must contain the information pertinent to vehicle registration that is required by the department of transportation. If an electronic record of title has not been created for or a

certificate of title issued for an apportionable vehicle in the fleet, the department of transportation, as an authorized agent of the department of justice, may also process the application for certificate of title for the vehicle as provided in 61-3-203 and 61-3-217.

(2) Each fleet subject to the provisions of 61-3-711 through 61-3-733 must, except as provided in 61-3-318(1) and subsection (6) of this section, be registered for an annual registration period based upon the date that the fleet is first registered in this state.

(3) There are four annual registration periods, each of which begins on the first day of a calendar quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31. The periods are:

(a) January 1 through March 31 1st period

(b) April 1 through June 30 2nd period

(c) July 1 through September 30 3rd period

(d) October 1 through December 31 4th period

(4) Registration of a fleet of apportionable vehicles under subsection (2) must be renewed on or before the last day of the month for the designated annual registration period unless a different registration period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous registration of multiple fleets of apportionable vehicles in common ownership.

(5) Except as provided in subsection (6), the application for each fleet may be accompanied by a fee payment computed by:

(a) dividing in-state miles by total fleet miles as defined in the applicable agreement entered into pursuant to 61-3-711 through 61-3-733;

(b) determining the total amount necessary to register each vehicle in the fleet for which registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and chapter 10, part 2, and the property taxes that are due on the fleet;

(c) multiplying the sum obtained under subsection (5)(b) by the fraction obtained under subsection (5)(a).

(6) (a) Each trailer and semitrailer fleet must be registered for a 5-year period based upon the date that the fleet is first registered in this state.

(b) Each trailer and semitrailer in the fleet for which registration is requested must be assessed a registration fee equal to five times the amount prescribed by 61-3-321.

(c) Each trailer or semitrailer must be issued a license plate, a distinctive sticker, or other suitable identification device valid for 5 years from the date of the original application or renewal application.

(d) Registration of a trailer or semitrailer must be renewed on or before the last day of the month for the designated 5-year registration period.

(7) Upon the transfer of ownership of a trailer or semitrailer, the registration of the trailer or semitrailer expires and it is the duty of the transferor to immediately remove the license plates from the trailer or semitrailer.

(8) (a) If the transferor applies for the registration of another trailer or semitrailer at any time during the remainder of the current registration period as shown on the original registration, the transferor may file an application with the department of transportation, accompanied by the original certificate of registration, for the transfer of the license plates. The application for transfer of the license plates must be made by the person or motor carrier in whose name the original license plates to the trailer or semitrailer were issued. The use of the license plates is not legal until the proper transfer of license plates has been made.

(b) License plates may be transferred pursuant to this section without transferring ownership of the trailer or semitrailer for which the license plates were originally issued.

(c) Upon transfer of the license plates, the registration of the trailer or semitrailer from which the license plates were transferred expires. The registration for the trailer or semitrailer must be surrendered to the department of transportation with the application for transfer.

(d) License plates issued for a trailer or semitrailer under this section

may be transferred only to a replacement trailer or semitrailer. A license plate fee may not be assessed upon transfer of a license plate.

(9) Applications submitted with fees may be recomputed by the department of transportation. The department of transportation shall furnish a statement showing the overpayment or balance due.

(10) Applications submitted without fees must be computed by the department of transportation. The department of transportation shall furnish a statement showing the amount of fees due."

Section 101. Section 61-4-101, MCA, is amended to read:

"61-4-101. Dealer's license -- types of licenses and terms -- plates -- bonds -- zoning. (1) Except as provided in 61-4-125, a person may not engage in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker of a new motor vehicle or used motor vehicle, new or used recreational vehicle, trailer (except a trailer having an unloaded weight of less than 500 pounds), motorcycle, quadricycle, or special mobile equipment that is not registered in the person's name, unless the person is the holder of a dealer's license issued by the department under this part.

(2) (a) The department is authorized to issue a dealer's license for one or more specified vehicle types to any person it determines is qualified to hold a license under the provisions of this section. A dealer's license may be issued for, and restricted to, one or more of the following vehicle types:

(i) new motor ~~vehicle~~ vehicles, including new trucks, buses, and light vehicles covered under the franchise the dealer holds as franchisee and used trucks, buses, recreational vehicles, light vehicles, and trailers;

(ii) used motor ~~vehicle~~ vehicles, including used trucks, buses, and light vehicles;

(iii) new recreational ~~vehicle~~ vehicles, including new motor homes and travel trailers covered under the franchise the dealer holds as franchisee and used motor homes and travel trailers;

(iv) used recreational ~~vehicle~~ vehicles, including used motor homes and

travel trailers;

(v) ~~trailer~~ trailers, including semitrailers and pole trailers, but excluding travel trailers;

(vi) ~~or~~ special mobile equipment; or

~~(vi)~~(vii) ~~motorcycle~~ motorcycles or ~~quadricycle~~ quadricycles, including new or used motorcycles or quadricycles, but excluding new off-highway vehicles unless the dealer is licensed under Title 23.

(b) The department shall design and issue dealer and demonstrator plates as provided in 61-4-102 and 61-4-129.

(c) ~~With the exception of a licensed new motor vehicle dealer, a~~ A dealer licensed for a particular type of vehicle may sell, trade, or accept on consignment only vehicles of the type for which the license is authorized~~, unless the dealer's license specifically refers to more than one vehicle type, such as a motorcycle or quadricycle license~~ under subsection (2)(a). ~~A new motor vehicle dealer is authorized to sell, trade, or accept on consignment new motor vehicles or used motor vehicles.~~

(d) Subject to the provisions of 61-4-124, a dealer's license issued by the department is valid until:

(i) voluntarily returned to the department for surrender and cancellation upon the cessation of the dealer's business operations; or

(ii) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor vehicles.

(3) (a) An applicant for a dealer's license shall submit a written application for a dealer's license to the department, specifying the type or types of dealer's license sought. The application must be signed by the applicant and contain a verification by the applicant, under penalty of law, that the information contained in the application is true and correct. Any information provided in the license application process is subject to independent verification by the department or an authorized representative of the department.

(b) After examining a license application and conducting an investigation necessary to verify the information contained in the application and if the

department is satisfied that the applicant qualifies for the issuance of a license under the provisions of this chapter, the department may issue the license. The department may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for licensure or whose prior financial or other activities or criminal record, as determined by the department:

(i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

(ii) poses a threat to the public interest of the state; or

(iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed dealership, wholesaler, or auto auction.

(4) To be qualified for licensure as a dealer, an applicant shall provide to the department the following:

(a) the name under which the applicant intends to conduct business and the name, address, date of birth, and social security number of any person who possesses or will possess an ownership interest in the business for which the license is sought. If the applicant is a corporation, the personal information required in this subsection (4)(a) must be provided for each corporate officer and the person designated by the corporation to manage or oversee the dealership.

(b) for each person subject to the provisions of subsection (4)(a), information concerning whether the person has:

(i) an ownership interest in a vehicle dealership or a wholesaler business in Montana or another jurisdiction and, if so, the name and address of each dealership or wholesaler; and

(ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

(c) the name, address, and telephone number of the insurance carrier from whom the applicant has acquired general liability insurance, naming the department as a certificate holder of the policy, and the name, address, and telephone number

of the local insurance agent for the carrier and the applicant's policy number. The insurance must cover any vehicle bearing dealer or demonstrator license plates that is offered for demonstration or loan to, or otherwise operated by, a customer in the regular course of the applicant's business and must be for a minimum of 1 year;

(d) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale and of a permanent nonresidential building that will be maintained to store the actual physical or electronic records resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is sought. An applicant may use more than one location to display vehicles for sale if the maximum distance between each display lot does not exceed 200 feet and if the distance between a display lot and the building in which vehicle sales records are stored does not exceed 1,000 feet.

(e) for each geographic location specified in the application, evidence of the applicant's compliance with applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance may be documented by means of a written verification of compliance signed by the authorized representative of the local land use planning or zoning board or the local business permitting agency.

(f) a diagram or plat showing the geographic location, lot dimensions, and building and sign placement for the applicant's proposed established place of business, along with two or more photographs of the geographic location, building premises, and sign, as prescribed by the department;

(g) a certification by the applicant that the applicant is a bona fide dealer in new motor vehicles, used motor vehicles, new recreational vehicles, used recreational vehicles, trailers, motorcycles, quadricycles, or special mobile equipment;

(h) if the applicant is seeking a new motor vehicle dealer's license:

(i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a written new motor vehicle franchise or sales agreement and the name and make of all motor vehicles to be handled by the applicant;

(ii) the geographic location or locations, specified in writing, upon which the applicant will provide and maintain a permanent building to display and sell new motor vehicles and offer and maintain a bona fide service department for the repair, service, and maintenance of the motor vehicles; and

(iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter; and

(i) if the applicant is applying for a new recreational vehicle dealer's license, certification that the person is recognized by a manufacturer, importer, or distributor as a dealer in new recreational vehicles.

(5) If an applicant for a new motor vehicle or used motor vehicle, new or used recreational vehicle, or trailer dealer's license wants to maintain more than one established place of business, the applicant shall file a separate license application for each proposed place of business and otherwise qualify for licensure at each place separately.

(6) Each application under this section must be accompanied by an application fee of $5 and one or more of the following license fees based on the type of dealer's license being sought:

(a) $25 for a new motor vehicle dealer's license;

(b) $25 for a used motor vehicle dealer's license;

(c) $25 for a new or used recreational vehicle dealer's license; or

(d) $25 for a motorcycle or trailer dealer's license.

(7) The applicant for a dealer's license shall also file with the application a bond of $50,000 for a license as a new motor vehicle dealer, a used motor vehicle dealer, a new or used recreational vehicle dealer, or a trailer dealer. Applicants for a motorcycle dealer's license shall file a bond in the sum of $15,000. All bonds must be conditioned that the applicant shall conduct the business in accordance with the requirements of the law. The bond may extend to any other type of dealer license issued to the applicant at the same geographic location if all types of licenses are indicated on the face of the bond. All bonds must be approved by the department, must be filed in its office, and must be renewed annually."

Section 102. Section 61-4-102, MCA, is amended to read:

"61-4-102. Dealer's license numbers -- assignment, numbering, and limitation of dealer plates -- restriction of use -- fees. (1) Upon the licensing of a dealer, the department shall assign to the dealer a distinctive serial license number as a dealer and furnish the dealer with one or more sets of numbered dealer plates in accordance with the provisions of this section.

(2) (a) Dealer plates designed by the department must be similar to the ~~numbered~~ standard license plates furnished to owners of motor vehicles under 61-3-332, but they must bear:

(i) the license number assigned to the dealer;

(ii) an abbreviation for the vehicle type of the dealer's license issued, as follows:

(A) the letter "D" for a new motor vehicle dealer;

(B) the letters "UD" for a used motor vehicle dealer; or

(C) the letters "RV" for a new or used recreational vehicle dealer; and

(iii) the actual number of sets of dealer plates issued to the dealer.

(b) Dealer plates may not be issued to a motorcycle or trailer dealer or a wholesaler.

(3) Dealer plates must contain the prefix of the county in which the dealer's established place of business is located, followed by the dealer's license type abbreviation, the dealer's license number, and the number of sets of dealer plates issued to that dealer. For example, new motor vehicle dealer number 4 in Lewis and Clark County would be numbered 5D-4, and if the dealer were issued three sets of dealer plates, they would be numbered consecutively as follows, 5D-4-1, 5D-4-2, and 5D-4-3.

(4) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for a dealer's license shall pay an annual fee of $25 for each set of numbered dealer plates requested and issued.

(b) The number of dealer plates that may be issued to a dealer must be determined as follows:

(i) a dealer is entitled to one set of dealer plates upon the issuance of an original license or a renewed license;

(ii) an applicant qualified for a license renewal is entitled to additional sets of numbered plates based on the following formula:

(A) 5% of the first 100 vehicle sales for the previous year; plus

(B) 3% of the next 100 vehicle sales for the previous year; plus

(C) 2% of vehicle sales in excess of 200 for the previous year; and

(iii) a dealer is entitled to additional sets of dealer plates during a license term as the dealer's sales incrementally meet or exceed the requirements of the formula established in subsection (4)(b)(ii). However, the aggregate number of sets of dealer plates issued to a dealer under this subsection (4)(b)(iii) may not exceed the combined number allowed under subsections (4)(b)(i) and (4)(b)(ii).

(5) (a) A dealer is authorized to use and display dealer plates on a motor vehicle held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the dealer's spouse, officers, or employees.

(b) For purposes of this subsection (5):

(i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the importer's distribution agreement and the term "employees" means persons upon whom the dealer has paid social security taxes as a full-time employee; and

(ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a vehicle bearing dealer plates is prima facie evidence that the vehicle is offered for bona fide sale by the dealer.

(6) Dealer plates may not be used or displayed on vehicles used for hire, lease, or rental.

(7) (a) A dealer is accountable for each set of numbered dealer plates issued and, except as provided in subsection (7)(b), shall file an annual report with the department certifying the disposition of each set of dealer plates assigned to the dealer and specifying the name, address, and occupation of the person primarily using each set of plates.

(b) Upon reassignment of one or more sets of dealer plates to another

person, within 15 days of the reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name, address, and occupation of the person to whom the plates were assigned.

(8) (a) All numbered dealer plates expire on December 31 of the year of issue and must be renewed annually.

(b) A dealer who files the annual report required under 61-4-124 on or before December 31 of the calendar year may display or use dealer plates assigned and registered for the prior calendar year through the last day of February of the following year, as provided in 61-4-124(5)."

Section 103. Section 61-4-111, MCA, is amended to read:

"**61-4-111. Used motor vehicles -- transfer to and from dealers.** (1) Except as provided in 61-4-124(6), a licensed dealer, broker, or wholesaler who intends to resell a used motor vehicle and who operates the vehicle only for demonstration purposes:

(a) is exempt from registration under ~~61-3-201(2)~~ 61-3-302(3) when applying for a certificate of title; and

(b) may transfer or receive ownership of a motor vehicle by use of a dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title has been completed, ownership of the vehicle may not be transferred until an application for a certificate of title has been submitted by the dealer to the department and a new certificate of title has been issued.

(2) Upon the transfer of a used motor vehicle to a person other than a licensed dealer, broker, or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the used motor vehicle was transferred if the dealer is an authorized agent, as defined in [section 2]. In addition, the following acts are required of the dealer on or before the times set forth in this subsection:

~~(a) Prior to delivery of the vehicle to the purchaser, the dealer shall issue a temporary registration permit for the vehicle and affix the temporary~~

~~registration permit to the vehicle in a manner prescribed by the department. The temporary registration permit issued by the dealer is valid for 20 days from the date of issuance. There must be imprinted on the temporary registration permit in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER". Unless a durable license plate style placard is issued, one copy of the temporary registration permit must be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2)(b), and a copy must be retained by the dealer for the dealer's file. If a durable placard is issued, the dealer shall create and retain the relevant records as prescribed by the department. It is unlawful for the dealer to issue more than one 20-day temporary registration permit for each vehicle sale.~~

~~(b)~~(a) Within ~~4 working~~ 30 calendar days following the date of delivery of the motor vehicle, the dealer shall forward to the county treasurer of the county where the ~~purchaser resides~~ vehicle is domiciled:

(i) the assigned certificate of title or, if a certificate of title for the vehicle has not been issued in this state, a copy of the then-current registration receipt or certificate in the dealer's possession; and

(ii) an application for a certificate of title executed by the new owner in accordance with the provisions of ~~61-3-221 and 61-3-322~~ 61-3-216 and 61-3-220~~; and~~

~~(iii) a copy of the temporary registration permit affixed to the vehicle by the dealer~~.

~~(c)~~(b) Transmission of the documents by the dealer to the county treasurer may be accomplished either by personal delivery, ~~or~~ by first-class mail, ~~in which event they are considered to have been delivered at the time of mailing~~ or by electronic means, as authorized by the department.

~~(d)~~(c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the time set forth in subsection ~~(2)(b)~~ (2)(a) because the certificate of title is lost, is in the possession of third parties, or is in the process of reissuance in this state or elsewhere, the dealer shall comply in all other respects with the provisions of subsection ~~(2)(b)~~ (2)(a)

and shall forward the missing document or documents to the county treasurer, either personally or by first-class mail, within 3 days after receipt.

(3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle is considered to have passed to the purchaser as of the date of the delivery of the vehicle to the purchaser by the dealer, and the dealer has no further liability or responsibility with respect to the processing of registration.

(4) Upon receipt from the county treasurer of the documents required under subsection (2), the department shall:

(a) update the electronic record of the title maintained by the department under 61-3-101; or

(b) issue a certificate of title if requested under 61-3-216(2)(f); and

(c) comply with the applicable provisions of Title 61, chapter 3, parts 1 through 3.

(5) For purposes of this section, "motor vehicle" includes a trailer as defined in 61-1-111."

Section 104. Section 61-4-112, MCA, is amended to read:

"61-4-112. New motor vehicles -- transfers by dealers. (1) (a) When a motor vehicle dealer transfers a new motor vehicle to a purchaser or other recipient, the dealer shall~~:~~

~~(a) issue and affix a temporary registration permit, as prescribed in 61-4-111(2)(a), for transfers of used motor vehicles and retain a copy of the temporary registration permit or, if a durable license-plate style placard is issued, affix the placard and create and retain all other relevant records prescribed by the department;~~

~~(b)~~ within ~~4 working~~ 30 calendar days following the date of delivery of the new motor vehicle, forward to the county treasurer of the county where the ~~purchaser or recipient resides~~ vehicle is domiciled:

~~(i) one copy of the temporary registration permit issued under subsection (1)(a) or a copy of the information described in the records concerning a placard;~~

~~(ii)~~(i) an application for a certificate of title with a notice of security interest, if any, executed by the purchaser or recipient; and

~~(iii)~~(ii) a manufacturer's certificate of origin that shows that the vehicle has not previously been registered or owned, except as otherwise provided in this section, by any person other than a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

(b) If the dealer is an authorized agent, as defined in [section 2], a temporary registration permit may be issued under 61-3-224 to the person to whom the new motor vehicle was transferred.

(2) Upon receipt from the county treasurer of the documents required under subsection (1), the department shall issue a certificate of title if requested under 61-3-216(2)(f) and otherwise comply with the provisions of Title 61, chapter 3, parts 1 through 3, as applicable."

Section 105. Section 61-4-121, MCA, is amended to read:

"61-4-121. ~~Twenty-day temporary~~ Temporary registration permit -- limitation on issuance and transfer -- violation -- penalty. (1) ~~(a) A~~ If the dealer is an authorized agent, as defined in [section 2], the dealer may not issue more than one ~~20-day~~ temporary registration permit under 61-4-111 or 61-4-112 for each vehicle sale.

~~(b) A dealer may not transfer 20-day temporary registration permits to another dealer unless the dealer:~~

~~(i) notifies the department within 3 days of the transfer;~~

~~(ii) identifies to the department the dealer to whom any temporary registration permits have been transferred;~~

~~(iii) informs the department of the date of the transfer and the quantity and serial numbers of the transferred temporary registration permits.~~

(2) A dealer who violates the provisions of subsection (1) is subject to revocation of the privilege to issue 20-day temporary registration permits for a period of time determined by the department."

Section 106. Section 61-4-222, MCA, is amended to read:

"61-4-222. Fees. (1) Upon making the application required under 61-4-221, the manufacturer shall pay to the department a fee of $250, which entitles the manufacturer to one set of ~~number~~ license plates, and an additional fee of $20 for each additional set of ~~number~~ license plates. The manufacturer may receive one set of ~~number~~ license plates for each manufacturer's representative.

(2) The fees provided for in subsection (1) do not apply to the manufacturer of a personal watercraft as defined in 23-2-502, a snowmobile as defined in 23-2-601, or an off-highway vehicle as defined in 23-2-801."

Section 107. Section 61-4-223, MCA, is amended to read:

"61-4-223. Assignment of numbers. (1) Upon the licensing of a manufacturer under 61-4-202, the department shall assign to the manufacturer a distinctive serial number and, after payment of fees provided for in 61-4-222, furnish every qualified manufacturer's representative of that manufacturer with one set of ~~number~~ license plates. Assigned ~~number~~ license plates must be similar to ~~number~~ standard license plates furnished to owners of motor vehicles but must bear, in addition to the serial number assigned to the manufacturer, the letters "MFG".

(2) The department shall cause to be placed on each set of license plates issued to a manufacturer a serial number assigned to the manufacturer and the actual number of license plates issued to the manufacturer. The department shall provide nonremovable stickers bearing the appropriate county designation. The stickers must be affixed to the license plates in use in accordance with instructions by the department.

(3) A manufacturer's representative who qualifies as provided in 61-4-221(1) may display manufacturer's license plates on a motor vehicle held for bona fide sale or used solely in the conduct of the manufacturer's business and operated by or under the control of the manufacturer's representative.

(4) When the department has reasonable cause to believe, from an investigation made by it or information furnished to it by a sheriff or any other law enforcement officer, that a manufacturer has been improperly licensed, has

used the manufacturer's license other than as authorized in this section, or is not qualified as a manufacturer under the requirements of this part, the department may revoke the manufacturer's license."

Section 108. Section 61-4-310, MCA, is amended to read:

"**61-4-310. Single movement permit -- fee -- limitation -- county treasurer to issue.** (1) ~~(a)~~ A vehicle~~,~~ subject to ~~license under this title~~ registration under chapter 3~~, or a mobile home~~ may be moved unladen upon the highways of this state from a point within the state to a point of destination. The county treasurer at the point of the origin of the movement shall issue a special permit for the vehicle in lieu of fees required under 61-3-321 and part 2 of chapter 10 of this title upon application presented to the county treasurer in a form provided by the department, upon exhibiting to the county treasurer proof of ownership and evidence that the personal property taxes or fees in lieu of property tax on the vehicle, if any are due, have been paid, and upon payment of a fee of $5. The fee must be forwarded to the department of revenue for deposit in the state general fund. The permit is not in lieu of fees and permits required under 61-4-301 and 61-4-302.

~~(b) For purposes of this section, a mobile home is considered unladen when all items are removed except the equipment originally installed by the manufacturer and the personal effects of the owners.~~

(2) The permit is for the transit of the vehicle ~~or mobile home~~ only, and the vehicle ~~or mobile home~~ may not at the time of the transit be used for the transportation of any persons, except the driver, or any property for compensation or otherwise and is for one transit only between the points of origin and destination as set forth in the application and shown on the permit.

(3) A junk vehicle being driven or towed to a motor vehicle wrecking facility or a motor vehicle graveyard for disposal is exempt from the provisions of this section. The definitions in 75-10-501 apply to this subsection.

(4) A manufactured home, mobile home, or housetrailer may be moved unladen upon the highways of this state from a point within the state to a point of

destination only if a tax-paid receipt authorizing the move has been issued under 15-24-206. "

Section 109. Section 61-5-103, MCA, is amended to read:

"**61-5-103. Residency requirement.** (1) A person who has resided in Montana for more than ~~120~~ 60 consecutive days is considered to be a resident for the purpose of being licensed to operate a motor vehicle and must be licensed under the laws of Montana before operating a motor vehicle.

(2) A person who operates a commercial motor vehicle in Montana is considered to be a resident of Montana for the purpose of being licensed to operate a commercial motor vehicle if the person has resided in Montana for more than 30 consecutive days and must be licensed under the laws of Montana before operating any commercial motor vehicle."

Section 110. Section 61-5-111, MCA, is amended to read:

"**61-5-111. Contents of a driver's license, renewal, renewal by mail, license expirations, grace period, and fees for licenses, permits, and endorsements -- notice of expiration.** (1) (a) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts. The department shall adopt necessary rules governing sales. In areas in which the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell receipts.

(b) The department may enter into an authorized agent agreement with the county treasurer of any county in which the department no longer maintains a driver examination station for the purpose of providing driver license renewal services.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed

by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, Montana mailing address, and a brief description of the licensee; and

(iv) either the licensee's customary signature or a digital reproduction of the licensee's customary signature.

(b) The department may not use the licensee's social security number as the distinguishing number unless the licensee expressly authorizes the use. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and skills test if:

(i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

(b) In the case of a commercial driver's license, the department shall, if the information was not provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the renewal application and may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 6 months before or 3 months

after the expiration of the person's license. Except as provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.

(d) (i) A person may renew a driver's license by mail if the person certifies that the person is temporarily out of state and will not be returning to the state prior to the expiration of the license.

(ii) An applicant who renews a driver's license by mail shall submit to the department an approved vision examination and a medical evaluation from a licensed physician in addition to the fees required for renewal.

(iii) If the department does not have a digitized photograph or signature record of the renewal applicant from the expiring license, then the department may require the renewal applicant to submit a personal photograph and signature that meets the requirements prescribed by the department.

(iv) The term of a license renewed by mail is 4 years, and a person may not renew by mail for consecutive license terms.

(v) The department may not renew a license by mail if the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant.

(e) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than 30 days prior to the expiration date of a driver's license. ~~The~~ Except as provided in [section 6] and 61-5-115, the department shall mail the notice to the Montana mailing address shown on the driver's license ~~unless the licensee has submitted a change of address as required by 61-5-115~~.

(4) (a) Except as provided in subsections (4)(b) and (4)(c), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.

(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license must be designated and clearly marked as a "provisional license". Any license designated and marked as provisional may be suspended by the department for a period of not more than 12 months when its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless or negligent driving.

(6) Fees for driver's licenses are:

(a) driver's license, except a commercial driver's license -- $5 a year or fraction of a year;

(b) motorcycle endorsement -- 50 cents a year or fraction of a year;

(c) commercial driver's license:

(i) interstate -- $5 a year or fraction of a year;

(ii) intrastate -- $3.50 a year or fraction of a year;

(d) renewal notice -- ~~50 cents~~ $1.

~~(7) Upon receipt of notice from another jurisdiction that a person licensed under this chapter has surrendered a Montana driver's license to that jurisdiction, the department shall change the license status on the person's official driver record to "inactive". If the person returns to Montana prior to the expiration of the previously surrendered license, the department may reactivate the license for the remainder of the license term.~~"

Section 111. Section 61-5-114, MCA, is amended to read:

"**61-5-114. Duplicate or replacement ~~licenses~~ license or permit.** If an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed or a person wants to update personal information contained on an instruction permit or a driver's license issued to the person, the person to whom ~~it~~ the permit or license was issued may, upon the payment of a fee of $10, obtain a duplicate or ~~substitute~~ replacement permit or license, upon furnishing proof satisfactory to the department that the permit or license has been lost or destroyed or that personal information has changed."

Section 112. Section 61-5-115, MCA, is amended to read:

"61-5-115. Notice of change of address or name. Whenever any person after applying for or receiving a driver's license ~~shall move~~ moves from the address named in ~~such~~ the application or in the issued license, ~~issued to him or when the name of a licensee is changed by marriage or otherwise such~~ the person shall within 10 days ~~thereafter~~ notify the department in writing of ~~his~~ the old and new addresses ~~or of such former and new names~~ and of the number of any license then held by ~~him~~ the person."

Section 113. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) ~~The~~ Except as provided in subsection (3), the disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 22.3% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state general fund.

(d) The amount of 20.7% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of 54.5% of each driver's license fee and 62.5% of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

(g) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit all remaining fees to the ~~department of revenue all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account~~ state for deposit ~~in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees~~ as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon~~

~~receipt of the fees and statement, shall~~ deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g).

(3) The $1 fee for a renewal notice under 61-5-111 must be forwarded to the department of revenue for deposit in the motor vehicle electronic commerce operating account provided for in [section 5]."

Section 114. Section 61-5-206, MCA, is amended to read:

"**61-5-206. Authority of department to suspend license or driving privilege ~~or issue probationary license~~ -- right to hearing**. (1) The department may suspend the driver's license or driving privilege of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) has committed or permitted an unlawful or fraudulent use of the license as specified in 61-5-302;

(b) has falsified the licensee's date of birth on the application for a driver's license;

(c) is under 21 years of age and has altered the licensee's or another's driver's license or identification card to obtain alcohol; or

(d) has authorized another to use the licensee's driver's license or identification card to obtain alcohol.

(2) ~~However, the department may, in lieu of suspending the license or driving privilege, issue a probationary license to a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record would authorize suspension as provided in subsection (1). Upon issuance of a probationary license, the licensee is subject to the restrictions set forth in the probationary license. The licensee's driving privilege may be suspended~~ If the department suspends a driver's license under 61-5-207 or this section or reinstates a license suspension or revocation upon conviction or forfeiture of bail not vacated of any traffic violation ~~during the period of probation. The licensee shall surrender to the department all driver's licenses that have been issued to the licensee before the probationary license may be issued. The licensee's refusal or neglect to surrender the licenses upon demand~~

~~is grounds for suspending all licenses. Probationary licenses may be issued for a period not to exceed 12 months.~~

~~(3) Upon suspending the license of any person or upon placing the person on probation, as authorized in this section,~~ by a person who holds a probationary driver's license under 61-2-302, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing as early as practical, within 20 days after receipt of the request, in the county in which the licensee resides unless the department and the licensee agree that the hearing may be held in some other county. At the hearing, the department through its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. At the hearing, the department shall either rescind its order of suspension ~~or probation~~ or, for good cause, may affirm, reduce, or extend the period of ~~probation or~~ suspension of the license."

Section 115. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- limitation on issuance of probationary license ~~-- ignition interlock device allowed on first offense~~. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated,

suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

~~(3) (a) If the person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a first violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.~~

~~(b) If the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to operating a motor vehicle not equipped with the device, tampering with the device, or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension for the remainder of the time period. The department may not issue a probationary driver's license to a person whose license suspension has been reinstated because of violation of an ignition interlock restriction.~~

~~(4)~~(3) (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), the period of suspension or revocation for a person convicted of any offense that makes

mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

~~(5)~~(4) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802."

Section 116. Section 61-8-442, MCA, is amended to read:

"61-8-442. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- ignition interlock device. (1) In addition to the punishments provided in 61-8-714 and 61-8-722, regardless of disposition and if a probationary license is recommended by the court, the court may for a person convicted of a first offense under 61-8-401 or 61-8-406 ~~and granted a probationary license~~ restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period ~~that the person is granted a probationary license~~ and require the person to pay the reasonable cost of leasing, installing, and maintaining the device if:

(a) the court determines that approved ignition interlock devices are reasonably available; and

(b) the person's blood alcohol concentration at the time of the arrest was 0.16 or greater.

(2) If a person is convicted of a second or subsequent violation of 61-8-401 or 61-8-406, in addition to the punishments provided in 61-8-714 and 61-8-722, regardless of disposition, the court shall order that each motor vehicle owned by the person at the time of the offense be either:

(a) seized and subjected to the forfeiture procedure provided under 61-8-421; or

(b) during the 12-month period beginning with the end of the period of driver's license revocation, equipped with a functioning ignition interlock device

and require the person to pay the reasonable cost of leasing, installing, and maintaining the device if the court determines that approved ignition interlock devices are reasonably available.

(3) Any restriction imposed under this section must be included in a report of the conviction made by the court to the department in accordance with 61-11-101 and placed upon the person's driving record maintained by the department in accordance with 61-11-102.

(4) The duration of a restriction imposed under this section must be monitored by the department."

Section 117. Section 61-10-222, MCA, is amended to read:

"**61-10-222. Time for payment of fees.** ~~(1)~~ Prior to or at the time of registration of the vehicle as required under chapter 3 or chapter 4 or prior to the operation of the vehicle on the public highways, fees provided in this part must be paid in the full amount unless otherwise provided by law. With respect to vehicles operating on the highways with a current ~~20-day~~ temporary registration permit issued under ~~the provisions of 61-4-111 or 61-4-112~~ 61-3-224, the fees provided in this part are due and payable at the time of registration.

~~(2) A person who applies for a GVW license after July 1 of any year shall pay one-half of the fees provided in this part.~~

~~(3) When a person applies for registration required under chapter 3 for a period of time other than the calendar year, the fees provided in this part must be computed for the registration period at one-twelfth of the applicable fee for each month or part of month in the registration period.~~"

Section 118. Section 61-11-102, MCA, is amended to read:

"**61-11-102. Records to be kept by the department.** (1) ~~The~~ Except as provided in subsection (6), the department shall ~~file every application for a driver's license received by it and shall maintain suitable indexes containing, in alphabetical order:~~

~~(a) all applications denied and on each the reasons for denial;~~

~~(b) all applications granted; and~~

~~(c) the name of each licensee whose license has been suspended or revoked by the department and after each name the reasons for the action.~~ create and maintain a central database of electronic files that includes an individual Montana driving record for each person:

(a) who has been issued a Montana driver's license;

(b) who does not have a driver's license from, or active driving record in, another jurisdiction and for whom the department receives a report of conviction of a traffic violation or an offense requiring suspension or revocation of the person's driver's license; and

(c) whose driver's license or driving privileges have been suspended, revoked, canceled or otherwise withdrawn by the department.

(2) (a) ~~The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state. The department shall maintain records in a manner that allows an individual record of each licensee, showing the convictions of the licensee and certain traffic accidents in which the licensee has been involved. The records must be readily ascertainable and available for the consideration of the department upon any application for renewal of a license and at other suitable times. A~~ An individual Montana driving record maintained under this section must include:

(i) personal information obtained from the application for a driver's license or a report of conviction;

(ii) the person's driver's license number, license type, status, endorsements, restrictions, issue and expiration dates, and any suspensions, revocations, disqualifications, or cancellations that have been imposed against the person;

(iii) all convictions reported to the department for the person; and

(iv) traffic accidents in which the person was involved, except that a record of involvement in a traffic accident may not be entered on a licensee's record unless the licensee was convicted, as defined in 61-11-203, for an act causally related to the accident.

(b) If the department receives notice that a ~~licensee~~ person has been disqualified by the federal motor carrier safety administration as an imminent hazard under 49 CFR 383.52, the department shall record the disqualification on the ~~licensee's~~ person's individual Montana driving record.

(3) The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward, by electronic or other means, a report of the conviction ~~a certified copy of the record~~ to the motor vehicle administrator in the state in which the person is a resident or licensed.

~~(4) The department may photograph, microphotograph, photostat, or reproduce on film any of its records. The film or reproducing material must be durable, and the device used to reproduce the records on the film or material must accurately reproduce and perpetuate the original records. A photograph, microphotograph, photostatic copy, or photographic film of the original record is an original record for all purposes and is admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy of the original record is a transcript of the original for purposes stated in this section.~~

~~(5)~~(4) The department may place on a computer storage device the information contained on original records or reproductions of original records made pursuant to this section. Signatures on records are not required to be placed on a computer storage device.

~~(6)~~(5) (a) ~~A~~ Except as provided in subsection (5)(b), a reproduction of the information placed on a computer storage device is an original of the record for all purposes and is admissible in evidence without further foundation in all courts or administrative agencies when the reproduction of the information is signed by a named custodian of the record and the following certification ~~by a custodian of the record~~ appears on each page:

The individual named below, being a designated custodian of the driver records of the department of justice, motor vehicle division, certifies this document as a true reproduction, in accordance with ~~61-11-102(6)~~ 61-11-102(5), of

the information contained in a computer storage device of the department of justice, motor vehicle division.

Signed: _____

(Print Full Name)

(b) An order, record, or paper generated from the department's central database of electronic files of individual Montana driving records may be certified electronically by the generating computer. The certification must be a certification of the order, record, or paper as it appeared on a specific date. A court or the office of a clerk of court of this state that is electronically connected by a terminal device to the department's central database of electronic individual Montana driving records may receive and use as evidence without further foundation the computer-generated certified information obtained by the terminal device from the file. An authorized employee of a court of record of this state may certify in writing that an order, record, or paper was produced from a terminal device that is located in and under the control of the court and that is connected to the department's central database of electronic individual Montana driving records files and that the order, record, or paper was not altered in any way.

(6) The department may remove any individual Montana driving record from the active database of electronic files maintained under this section if there has been no change in license status on or additional reports of conviction to the record in the immediately preceding 16 years. Any individual driving record removed must be retained elsewhere by the department as an inactive record in an electronic storage device that is searchable and retrievable."

Section 119. Section 61-11-105, MCA, is amended to read:

"**61-11-105. Release of information -- fees.** (1) Subject to the limitations of this section, the department shall, upon request, furnish a person the individual Montana driving record of a driver or licensee, containing the following data:

(a) the driver's or licensee's name, driver's license number, and date of

birth;

(b) driver's license status, including the license type and any endorsements, the license issue date, license restrictions, any suspensions, revocations, or cancellations that have been imposed against the driver or licensee, and the license expiration date;

(c) convictions of the driver or licensee; and

(d) traffic accidents in which the driver or licensee was involved.

(2) The department may not enter into any agreement to disclose or sell, in bulk, any data contained in an individual Montana driving record unless the requester of the information provides the department with the names, driver's license numbers, and dates of birth of the drivers or licensees from whose records a change in license status or conviction activity is to be reported.

(3) The department may not disclose personal information or highly restricted personal information from an individual Montana driving record, except as permitted or required under 61-11-507, 61-11-508, or 61-11-509.

(4) Information relating to a traffic accident that did not involve a conviction, as defined in 61-11-203, may not be released by the department unless the release is requested or approved by a party involved in the accident or is required by court order or a duly executed subpoena.

(5) (a) Subject to the requirements of subsection (6) and except as provided in subsection (5)(b), a fee of $4 must be paid for each individual Montana driving record requested. A fee of $10 must be paid if a certified Montana record, as provided in ~~61-11-102(6)~~ 61-11-102(5), is requested. A fee of 8 cents must be paid for each individual Montana driving record that is searched by the department to report to a requester a change in license status or conviction activity from one or more individual Montana driving records.

(b) An individual Montana driving record must be provided without charge to any criminal justice agency, as defined in 44-5-103, or other state or federal agency.

(6) In addition to the fees required in 61-11-510(3) and subsection (5) of this section, an individual Montana driving record or any report compiled from one

or more individual Montana driving records that are electronically transmitted to a requester through a point of entry for electronic government services are subject to the convenience fee established under 2-17-1103.

(7) The department may require a requester, other than a federal, state, or local government agency, seeking one or more individual Montana driving records or any data otherwise contained in one or more individual Montana driving records in electronic format to use a point of entry for electronic government services to obtain the record or data."

Section 120. Section 61-11-204, MCA, is amended to read:

"**61-11-204. Department's duties.** (1) If the records maintained by the department show that a person's driving record brings the person within the definition of a habitual traffic offender, the department shall:

(a) declare the person a habitual traffic offender;

(b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and

(c) notify the person in writing of the declaration and revocation.

(2) The notice must be sent by first-class mail to the most current address on record with the department. The notice must include a certified ~~reproduction of the person's driving record as contained in the computer storage device used by the department for recordkeeping~~ record of the convictions and bond forfeitures upon which the habitual traffic offender designation was based. The notice must inform the person of the right under 61-11-210 to appeal the declaration and revocation. Service of the notice is complete upon mailing."

Section 121. Section 61-11-210, MCA, is amended to read:

"**61-11-210. Appeals.** (1) A person declared to be a habitual traffic offender may file a petition in the district court in the county in which the person resides, or in Lewis and Clark County if the person is not a resident of the state, challenging the declaration and revocation. The petition must be filed within 30 days after the person received notice under 61-11-204. Receipt under

61-11-204 is presumed to be on the third day after the date of mailing. After the petition is filed, a copy must be promptly served on the county attorney of the county in which the petition was filed. The county attorney shall represent the department in the proceeding. Proof of service must be filed with the clerk of the court prior to a hearing or grant of relief. Untimely service or lack of service upon the county attorney waives the right to a hearing. The filing of the petition does not stay enforcement of the revocation.

(2) Upon receipt from the county attorney of notice of the petition, the department shall give the county attorney a certified ~~copy of the abstracts of the records of~~ record of the convictions and bond forfeitures upon which the habitual traffic offender declaration was based.

(3) A hearing date must be set and at least 10 days' notice of the date must be given to the parties. The scope of the hearing is limited to whether the petitioner is the person named in the certified ~~abstracts~~ record of convictions and bond forfeitures upon which the habitual traffic offender declaration was based and whether the petitioner is a habitual traffic offender. The petitioner has the burden of proving that the department's actions are invalid or that its records are erroneous.

(4) If the court finds that the petitioner is the person declared by the department to be a habitual traffic offender and that the petitioner is a habitual traffic offender, the court shall dismiss the petition. If the court finds that the petitioner is not the person declared by the department to be a habitual traffic offender or that the petitioner is not a habitual traffic offender, the court shall grant the petition and provide the petitioner with appropriate relief, which must include an order that the department reimburse the petitioner for court fees paid by the petitioner.

(5) Upon a finding adverse to the petitioner, the clerk of the court shall file with the department a copy of the court's order, together with the petitioner's driver's license if the license has not been previously surrendered. If the petition is granted, the clerk of the court shall file with the department a copy of the court's order granting the petition. The order must state the

grounds upon which the relief was granted and must specify the court findings on the conviction points, if any, that have been accrued by the petitioner. The department shall then correct the petitioner's driving record to comport with the court's specific findings."

Section 122. Section 76-2-202, MCA, is amended to read:

"**76-2-202. Establishment of zoning districts -- regulations.** (1) (a) Within the unincorporated portions of a jurisdictional area that has been established under provisions of 76-1-501 through 76-1-503 or 76-1-504 through 76-1-507, the board of county commissioners may by resolution establish zoning districts and zoning regulations for all or part of the jurisdictional area.

(b) An action challenging the creation of a zoning district must be commenced within 5 years after the date of the order by the board of county commissioners creating the district.

(2) Within some zoning districts, it is lawful and within others it is unlawful to erect, construct, alter, or maintain certain buildings or to carry on certain trades, industries, or callings.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) Within each district the height and bulk of future buildings and the area of the yards, courts, and other open spaces and the future uses of the land or buildings must be limited and future building setback lines must be established.

(5) All regulations must be uniform for each class or kind of buildings throughout a district, but the regulations in one district may differ from those in other districts.

(6) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched

roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in ~~61-1-501~~ 15-1-101.

(7) Nothing contained in this section may be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

Section 123. Section 76-2-302, MCA, is amended to read:

"76-2-302. Zoning districts. (1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(2) All regulations must be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in ~~61-1-501~~ 15-1-101.

(5) This section may not be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

NEW SECTION. **Section 124. Repealer.** Sections 15-16-202, 61-3-207, 61-3-209, 61-3-342, and 61-3-526, MCA, are repealed.

COORDINATION SECTION. **Section 125. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-101, must read as follows:

"61-3-101. Duties of department -- records. (1) (a) The department shall create and maintain a central registry of electronic files that includes an electronic record of title as specified in this section for motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, and snowmobiles for which:

(i) an application for a certificate of title has been received by the department, its authorized agent, or a county treasurer;

(ii) a certificate of title has been issued by the department; or

(iii) a registration, security interest, or lien transaction has been recorded by the department.

(b) The central registry of electronic files described in subsection (1) must include an electronic record of registration for each motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, and snowmobile registered in this state:

(i) for which the certificate of title was issued by another jurisdiction and that was registered in another jurisdiction; or

(ii) for which a certificate of title has not been issued or is not required.

(2) The electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile must contain the following information:

(a) the name, residence, and mailing address of the owner and:

(i) if the owner is the holder of a driver's license or identification card issued by the department or by a motor vehicle agency of another jurisdiction, the owner's driver's license or identification card number and the issuing jurisdiction; or

(ii) if the owner is a corporation, the registered agent's name and, if the agent is the holder of a driver's license or identification card, the agent's driver's license or identification card number and the issuing jurisdiction;

(b) a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, including, as pertinent to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile:

(i) the manufacturer of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) the manufacturer's designation of the style of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(iii) the identifying number;

(iv) the manufacturer's designated model year of manufacture and the odometer reading, if applicable, at the time of the transfer of ownership;

(v) the character of the motive power and the shipping weight of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as shown by the manufacturer;

(vi) the distinctive license number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, if any;

(vii) the gross vehicle weight and gross vehicle weight rating, as determined by the manufacturer, or, for a trailer operating interstate, the declared weight;

(viii) the unique transaction record number, when available and assigned by the department, for each transaction pertaining to the motor vehicle, trailer,

semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and the date of each transaction;

(ix) any brand required under state law or any brand carried forward from a certificate of title surrendered from another jurisdiction;

(x) if the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been or is currently registered in this state, the distinctive license plate number or certificate number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and a record of all fees and local option taxes, if applicable, paid for the current and preceding registration periods; and

(xi) other information that may be required for registration or may from time to time be found desirable.

(3) The electronic record of registration for a motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile must contain, at a minimum, the following information:

(a) the name, residence, and mailing address of the owner and the driver's license or identification card data required in subsections (2)(a)(i) and (2)(a)(ii);

(b) the same data that is required under subsection (2)(b) for the electronic record of title; and

(c) any other data consider to be pertinent by the department.

(4) In order to prevent an accumulation of unneeded records and files, regardless of any other statutory requirements, the department may destroy all records and files that relate to motor vehicles, trailers, semitrailers, pole trailers, motorboats, personal watercraft, sailboats, or snowmobiles that have not been registered within the preceding 4 years and that do not have an active lien.

(5) Subject to the provisions of Title 61, chapter 11, part 5, motor vehicle records maintained by the department must be open to inspection during reasonable business hours, and the department shall furnish any information from the records, except personal information and highly restricted personal

information, as defined in 61-11-503, upon payment by the applicant of the cost of the information requested. Prior to providing the information, the department shall require the applicant to provide identification. The department may not disclose personal information or highly restricted personal information except as permitted or required under 61-11-507, 61-11-508, or 61-11-509."

COORDINATION SECTION. **Section 126. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-208 must read as follows:

"61-3-208. Affidavit and bond for certificate of title. (1) If an applicant for a certificate of title cannot provide the department with the certificate of title that assigns the prior owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the applicant, the department may issue a certificate of title if subsection (2) is complied with.

(2) (a) The applicant shall submit an affidavit in a form prescribed by the department that must be signed and sworn to before an officer authorized to administer oaths and affirmations. The affidavit must accompany the application for the certificate of title and must:

(i) include the facts and circumstances through which the applicant acquired ownership and possession of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) disclose security interests, liens, or encumbrances that are known to the applicant and that are outstanding against the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(iii) state that the applicant has the right to have a certificate of title issued.

(b) The application must satisfy one of the following conditions:

(i) The vehicle for which the application is being made must be a ~~boat~~ camper, off-highway vehicle, motorboat, personal watercraft, sailboat 12 feet in

length or longer, or snowmobile, and the loss of the certificate of title must be established by the applicant to the department's satisfaction.

(ii) ~~The applicant shall certify in the affidavit that the value of the vehicle for which the application is made is~~ If application is being made for a certificate of title to a motor vehicle, trailer, semitrailer, or pole trailer with a value of $500 or less, the applicant must establish the loss of the certificate of title to the department's satisfaction and either provide evidence of ~~as indicated by~~ the average trade-in or wholesale value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, or pole trailer as determined by the applicable national appraisal guide for the vehicle as of January 1 for the year in which the application is made or, if a national appraisal guide is not available for a ~~vehicle~~ motor vehicle, trailer, semitrailer, or pole trailer, ~~according to the applicant's knowledge and belief~~ the applicant must certify that the value of the motor vehicle, trailer, semitrailer, or pole trailer is $500 or less.

(iii) ~~The~~ If application is being made for a motor vehicle, trailer, semitrailer, or pole trailer with a value that exceeds $500, the applicant shall provide a bond, in a form prescribed by the department, issued by a surety company authorized to do business in this state, in an amount equal to the value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, or pole trailer for which the application is being made, as determined by the surety company. The bond is conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor, or encumbrancer of the motor vehicle, trailer, semitrailer, or pole trailer and any respective successors in interest against expenses, losses, or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the ~~vehicle~~ motor vehicle, trailer, semitrailer, or pole trailer.

(3) Any interested person has a right of action to recover on the bond furnished under this section for a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of the bond.

(4) Unless the department has been notified of a pending action to recover

the bond furnished under this section, the department shall return the bond at the earlier of:

(a) 3 years from the date of issuance of the certificate of title; or

(b) the date of surrender of the valid certificate of title to the department if the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is no longer required to have a certificate of title in this state."

NEW SECTION. **Section 127. Codification instruction.** [Sections 1 through 6] are intended to be codified as an integral part of Title 61, and the provisions of Title 61 apply to [sections 1 through 6].

NEW SECTION. **Section 128. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective January 1, 2006.

(2) [Sections 1 through 6 and this section] are effective July 1, 2005.

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SCOTT MENDENHALL**, on February 14, 2005 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Scott Mendenhall, Chairman (R)
Rep. Jill Cohenour, Vice Chairman (D)
Rep. Bernie Olson, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. John Balyeat (R)
Rep. Bob Bergren (D)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Monica Lindeen (D)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)

Members Excused:

Rep. Larry Jent (D)

Members Absent: None.

Staff Present: Kyanne Kelly, Committee Secretary
Leanne Kurtz, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 671, 2/9/2005; HB 610, 2/9/2005; HB 684, 2/9/2005; HB 688, 2/9/2005
Executive Action:	HB 688, HB 684, HB 610, HB 492, HB 566

HEARING ON HB 671

Opening Statement by Sponsor:

REP. JOHN MUSGROVE (D), HD 34, opened the hearing on **HB 671,** Generally revise motor vehicle law.
00:03:12

Proponents' Testimony:
00:05:31 Dean Roberts, Department of Justice
EXHIBIT(trh36a01)
EXHIBIT(trh36a02)
00:13:11 Brenda Nordlund, Department of Justice
EXHIBIT(trh36a03)
00:31:49 John Blacker, Department of Transportation
00:32:32 Roger McGlenn, Independent Insurance Agents
00:33:00 Jim Robinson, Independent Auto Dealers
00:33:28 Steve Turkiewicz, Montana Bankers Association
00:34:04 Marilyn Olsen, Montana Auto Dealers Association
00:34:40 Stewart Doggett, Montana Land Title Association
00:35:51 Jill Jarman, Montana Credit Union
00:36:21 Rhonda Carpenter Wiggers, County Treasurers Association
00:38:01 Fred Sargeson, Montana Interactive

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:39:09

Closing by Sponsor:
00:52:55

HEARING ON HB 610

Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on **HB 610,** Clarify property rights in fallen rock in right-of-way.
00:53:33

Proponents' Testimony: None

Opponents' Testimony: None

EXHIBIT 1
DATE 2-14-05
HB 671

Montana Motor Vehicle Division

TEAM261

Driving the Future

TEAM 261 and You

Presenter:

Steve Tesinsky, Project Manager

TEAM 261

February 10, 2005

Motor Vehicle Division Statistics

- 1.75 Million Total vehicles titled in Montana
- 540,000 Vehicles titled per year
- 1.3 Million Vehicles registered per year
- 770,300+ Drivers in Montana
- 3.0 Million Transactions per year
- 4.1 Million Records in MVD databases
- 49 Driver licensing stations
  (eight are open M-F)
- 154 MVD employees (FTE)

Why TEAM 261

- To provide consistent, quality customer service
- To facilitate easy access for those who need information, while ensuring security
- To improve efficiency
- To establish a single source for motor vehicle and driver information
- To replace an aging data process system built in the early 1980s
- To address decreasing availability of resources to support aging system
- To address the increasingly complex legislated mandates that are getting harder to implement

Details

- House Bill 577 (2001) $4.5 million
- House Bill 261 (2003) $18 million
- Upgrade Motor Vehicle Division business processes and supporting technology
- Projected four-year project
- Board of Investments (BOI) 'Intercap Loan'
- 10-year term (loan & fees)
- Current adjustable rate 2.85 percent

What is Business Process Reengineering?

- Business Process Reengineering: a fundamental rethinking and redesign of business processes in order to bring about dramatic improvement in performance.

Our BPR methodology has three phases....

Phase 1: Current Process Model
(AKA "AS-IS")

- Analyzes what business processes are being performed
- Captures in detail the steps involved in each process

AS-IS in Action

Facilitated meetings with subject matter experts produce workflows of current business practices.

Phase 2: Future Process Model
(AKA "TO-BE")

- Based on the business processes defined in the AS-IS, the TO-BE creates the target for the BPR
- Defines and describes how these processes will look when the BPR is completed

During this phase, areas to be redesigned are identified and prioritized.

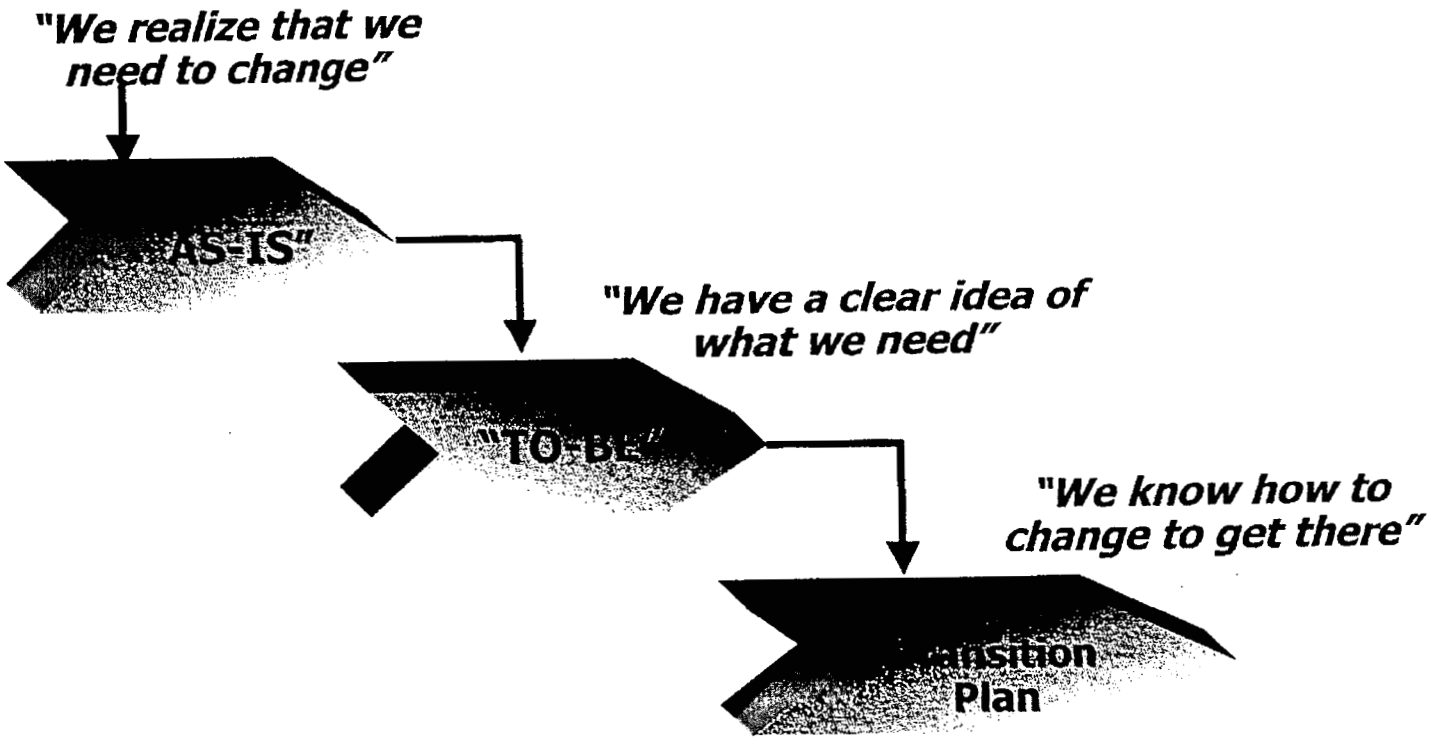
TO-BE in Action

TEAM 261 business analysts, technology staff and DMV staff review and process the visioning session summaries and stakeholder ideas to develop specific TO-BE goals.

Phase 3: Transition Plan

- Analyzes the gap between the AS-IS and the TO-BE
- Analyzes the impact of change on all support areas and entities
- Develops strategies for implementation

BPR, Summarized



At TEAM 261, We Added:

- Visioning Sessions with Key Stakeholders
- Guiding Principles
- Advisory Committee

Stakeholder Visioning

Driver Licensing Visioning Session - 2/10/05

Stakeholder visioning sessions lay groundwork for the BPR.

Participants represented law enforcement, courts, county treasurers, banking, insurance, and more.

Guiding Principles

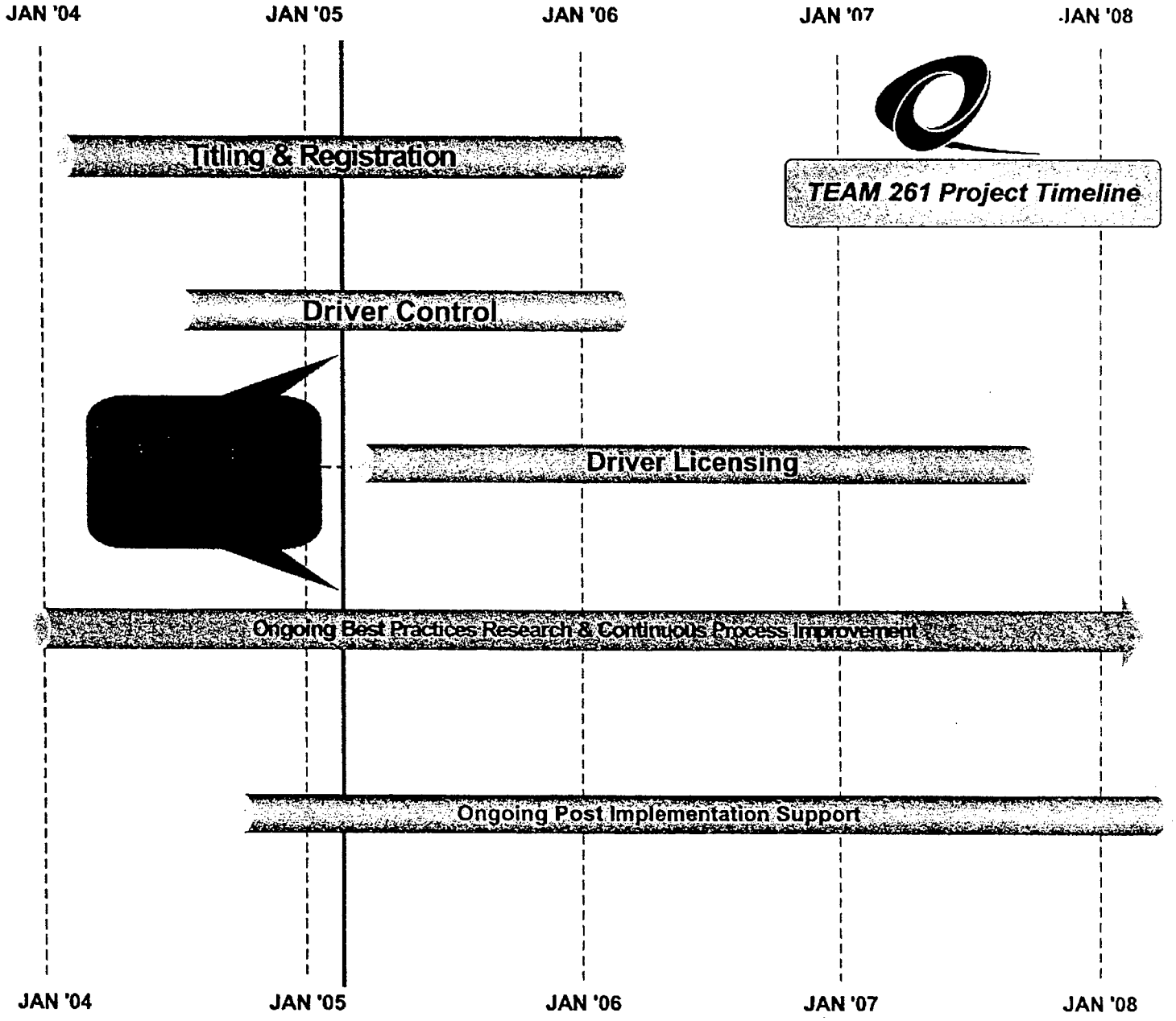
At TEAM 261, we've written, published and posted **Guiding Principles** that clearly and consistently state our vision and purpose.

Advisory Committee

Jess Anderson	Cascade County Treasurer	Montana County Treasurers
Jeff Brandt	State CIO	DOA ITSD
Marlene Davis	Employee Representative	Motor Vehicle Division
Phil Johnson	First Interstate Bank Manager	Banking Industry
Jean Malcom	Employee Representative	Motor Vehicle Division
Roger McGlenn	Independent Insurance Agency Association	Insurance Industry
Marilyn Olsen	Executive Vice President	Montana Automobile Dealers Association

Advisory Committee (cont.)

Bob Pyfer	Senior Vice-President	Montana Credit Unions League
James Reno	Yellowstone County Commissioner	Montana Association of Counties
Trudi Schmidt	State Senator, District 21	Montana Citizens
Jon Tester	State Senator, District 45	Montana Citizens
Steve Turkiewicz	President/CEO	Montana Bankers Association
John Witt	State Representative, District 89	Montana Citizens


JAN '04
JAN '05
JAN '06
JAN '07
JAN '08
Titling & Registration
TEAM 261 Project Timeline
Driver Control
Driver Licensing
Ongoing Best Practices Research & Continuous Process Improvement
Ongoing Post Implementation Support
JAN '04
JAN '05
JAN '06
JAN '07
JAN '08

TEAM 261 Notables To-Date

- Significant reduction in titling turnaround
- Moving from microfilm document storage to imaging
- Staggered timeline is leveraging resources and creating efficiencies, as anticipated
- Active participation of stakeholder groups (e.g., law enforcement, county treasurers, automobile dealers, insurance industry, financial institutions, etc.)
- Coming soon: new temporary registration permits will allow law enforcement to identify vehicles immediately

Montana Motor Vehicle Division
TEAM261
Driving the Future

This is the Temporary Registration Permit -- place in plastic pouch and attach to rear vehicle license plate bracket -- **DO NOT PLACE PERMIT IN BACK WINDOW**

MONTANA MVD

03-06-2005

AAAA0011

2000 GMC

VIN: ANYVIN25

SELLER: ARCHIE COCHRAN MOTORS, INC

Cut Here – Keep this section with vehicle until registered and plated

MVD

TEMPORARY VEHICLE REGISTRATION

Temporary Plate Number	Issue Date	Expiration Date	VIN	Vehicle Year	Make	Color	Model	Body Style
AAAA0011	02-14-2005	03-06-2005	ANYVIN25	2000	GMC	BLK		2D

Owner #1 Name
JOEL L LEADER, SR
Owner #2 Name
TERRI LEADER

Street Address	City	State	Zip
101 RODNEY	**HELENA**	**MT**	**59601**
Mailing Address	City	State	Zip
101 RODNEY	**HELENA**	**MT**	**59601**

Issuing Dealer
ARCHIE COCHRAN MOTORS, INC
Dealer Number
03D006

EXHIBIT 2
DATE 2-14-05
HB 671

EXHIBIT 3
DATE 2-14-05
HB 671

Amendments Requested to House Bill 671
For House Transportation Committee

By Montana Department of Justice
Prepared by Brenda Nordlund
February 14, 2005

1. Page 42, line 3
Following: "department"
Strike: "of transportation"

2. Page 51, line 7
Following: "residence;"
Strike: "and"

3. Page 51, line 9
Following: "in this state"
Insert: "; or (f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession"

4. Page 51, line 18
Following: "61-3-212;"
Strike: "or"

5. Page 51, line 20
Following: "residence"
Insert: "; or (d) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession"

6. Page 72, line 1
Following: "immediately"
Strike: "to"

7. Page 76, line 23
Following: "$5"
Insert: "to be deposited in the county general fund"

8. Page 76, line 26
Following: "subsection"
Strike: "(2)"
Insert: "(2)(b)"

9. Page 93, line 29
Following: "dealership"
Strike: remainder of line through "61-3-501"

10. Page 112, line 30
Following: "**address**"
Strike: "**or name**"

11. Page 113, line 3
Following: "writing"
Insert: "or electronically by an approved automated interface"

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN SCOTT MENDENHALL**, on March 9, 2005 at 3:43 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Scott Mendenhall, Chairman (R)
Rep. Jill Cohenour, Vice Chairman (D)
Rep. Bernie Olson, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. John Balyeat (R)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Monica Lindeen (D)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)

Members Excused:

Rep. Bob Bergren (D)
Rep. Larry Jent (D)

Members Absent: None.

Staff Present: Kyanne Kelly, Committee Secretary
Leanne Kurtz, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 759, 3/4/2005; SB 102, 3/4/2005; SB 244, 3/4/2005; SB 369, 3/4/2005
Executive Action:	HB 671, HB 757

Informational Testimony:
00:43:23 Barbara Broberg, Montana Women Involved in Farm Economics

Questions from Committee Members and Responses:
00:45:32

Closing by Sponsor:
01:11:59

REP. BERGREN entered the room.

EXECUTIVE ACTION ON HB 671

Motion: **REP. OLSON moved that HB 671 DO PASS.**

Motion: **REP. OLSON moved that HB 671 BE AMENDED.**

Discussion:
01:15:06
EXHIBIT(trh52a05)
EXHIBIT(trh52a06)

Vote: **Motion carried unanimously by voice vote. REPS. JENT AND GOLIE voted by proxy.**

Motion: **REP. OLSON moved that HB 671 DO PASS AS AMENDED.**

Discussion:
01:36:24

Vote: **Motion carried 11-1 by voice vote with REP. KEANE voting no. REPS. JENT AND GOLIE voted by proxy.**

EXECUTIVE ACTION ON HB 757

Motion: **REP. KEANE moved that HB 757 DO PASS.**

Discussion:
01:39:21

Motion: **REP. KEANE moved that HB 757 BE AMENDED.**

EXHIBIT 5
DATE 3.8.05
HB 671

Amendments to House Bill No. 671
1st Reading Copy

For the House Transportation Committee

Explanation of Amendments Prepared by the Department of Justice

1. Title, line 7.
Strike: "$5"
Insert: "$3"

2. Title, line 8.
Strike: "$10"
Insert: "$8"

3. Title, line 16.
Following: "FOR"
Insert: "CERTAIN"
Following: "MANUFACTURED HOMES"
Strike: ","
Insert: "AND FOR"
Following: "MOBILE HOMES"
Strike: ","

4. Title, line 30.
Following: "61-3-463,"
Insert: "61-3-464,"

Title amendments #1 and 2 relate to amendments #18-20 explained in the separate handout (lowering TRP fees); title amendment #3 relates to amendment #12 (manufactured home exception for homes declared to me improvement to real property); and title amendment #4 relates to amendment #30 (extend wheelchair symbol license plate availability to collegiate license plates).

5. Page 4, line 21.
Strike: "in the state special revenue"
Insert: "of the enterprise"
Following: "fund"
Insert: "type as"
Strike: "for"

Amendment #5 changes the motor vehicle electronic commerce operating account created in section 5 of HB 671 from a state special revenue account to an enterprise fund type. This is what fiscal and budgeting personnel contemplated originally but that intent was not communicated to the drafter.

6. Page 4, lines 23 and 24.
Strike: "or" on line 23 through "61-5-111(6)(d)" on line 24

Amendment #6 relates to amendments #35 and 38-39 eliminating the 50¢ increase on the driver's license renewal notice and the dedication of the current law fee (50¢) and proposed 50¢ increase to the motor vehicle electronic commerce operating account.

7. Page 4, lines 25 and 26.
Strike: "must" on line 25 through "justice and" on line 26

Amendment #7 strikes unnecessary language appropriating account monies to the department. Language prescribing purposes for which enterprise account funds can be expended is retained.

8. Page 13, line 21.
Following: "~~15-1-116;~~"
Insert: "(e) certificate of title fees for manufactured homes pursuant to 15-1-116;"
Renumber: subsequent subsections

9. Page 18, line 20.
Strike: "(1)(o)"
Insert: "(1)(p)"

Amendments #8-9 correct the technical problem noted in the Fiscal Note to HB 671 by the Department of Revenue concerning an inadvertent change to the base year entitlement share calculations provided in HB 124 (the "Big Bill") during the 2001 legislative session. See, Fiscal Note to HB 671, page 5, Technical Note # 2.

10. Page 42, line 3.
Strike: "of transportation"

Amendment #10 gives DOJ, as opposed to MDT, authority to determine whether a vehicle is special mobile equipment based on the parameters of the statutory definition.

11. Page 46, line 5.
Strike: "or"

12. Page 46, line 6.
Strike: ", manufactured home,"
Following: "housetrailer"
Insert: "; or
(k) a manufactured home declared to be an improvement to real property under 15-1-116"

Amendments #11-12 relate to a concern raised by the manufactured home association and lending institutions who finance purchase of manufactured homes that the exemption from the certificate of title requirement should only apply to manufactured homes declared to be an improvement to real property under current law provisions. For manufactured homes that remain "personal property", it is important for lenders to be able to record their security interest against the title, rather than use a UCC filing which is required for other personal property for which certificate of title is not available.

13. Page 50, line 27.
Strike: "under" through "permit"

This amendment clarifies the purposes for which the department, an authorized agent or a county treasurer may issue a TRP. The language referring to 61-3-317 was stricken as unnecessary since amendments to that section already in the bill (page 62, line 26) refer back to 61-3-224.

14. Page 51, line 7.
Following: "residence;"
Strike: "and"

15. Page 51, line 9.
Following: "this state"
Insert: "; or
(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession"

16. Page 51, line 18.
Strike: "or"

17. Page 51, line 20.
Following: "residence"
Insert: "; or
(d) a financial institution located in Montana that intends to allow a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession"

Amendments #14-17 deal with the issue mentioned during the hearing that the department inadvertently omitted demonstration of a repossessed vehicle by a financial institution as a permissible use for TRPs. The Montana Bankers Association and the Montana Credit Union Network supported these amendments, in concept, during testimony in support of the bill.

18. Page 52, line 8.
Strike: "$5"

Insert: "$3"
19. Page 52, line 12.
Strike: "$10"
Insert: "$8"

20. Page 52, line 18 through line 21.
Following: "state"
Strike: ", for" on line 18 through "be" on line 21
Insert: "and"

Amendments #18-19 reduce the TRP fee from $5 to $3 for a TRP issued by the department, a county treasurer or an authorized agent to a Montana resident who acquires a new vehicle, a salvage owner moving a vehicle to an inspection site, a person awaiting specially ordered plates, or a financial institution wanting to demonstrate a repossessed vehicle and reduce the fee for a TRP issued over the internet or to a nonresident TRP fee from $10 to $8. With amendment #20, all of the reduced TRP fee will go to the motor vehicle electronic commerce account and none of it will go to the state general fund.

21. Page 60, line 18.
Following: "quadricycle"
Insert: ", including a motorcycle or quadricycle registered only for off-highway use under Title 23, chapter 2, part 8,"

Amendment #21 corrects the technical problem noted in the Fiscal Note to HB 671, page 5, Technical Note #3.

22. Page 71, line 26.
Strike: "$25"
Insert: "$5"

Amendment #22 eliminates the proposed differential fee for obtaining a replacement (same background, different plate number) versus a duplicate (same background, same number) license plate.

23. Page 72, line 1.
Strike: "to"

Amendment # 23 corrects an editing omission.

24. Page 76, line 23.
Following: "plate"
Insert: ", to be deposited in the county general fund"
Strike: "and"

25. Page 76.
Following: line 23
Insert: "(b) a $5 license plate fee; and"

26. Page 76, line 24.
Strike: "(b)"
Insert: "(c)"
Strike: "$30"
Insert: "$20"

27. Page 76, line 26.
Strike: "subsection (2)"
Insert: "subsections (2)(b) and (2)(c)"

28. Page 76, line 28.
Strike: "$25"
Insert: "$20"

Amendments # 24-28 clarify that, if a special motorcycle license plate, commonly referred to as a "chrome for kids" license plate during the 2003 session, is issued, the $5 administrative fee is to be deposited - in the county general fund - similar to current law $5 administrative fee for generic specialty plates and collegiate license plates.

Additionally, the amendments return donation amount to current law $20 fee, with an additional $5 to be deposited in state general fund. The $5 fee is identical to the current law new license plate fee. As noted in the Fiscal Note, no motorcycle plates were issued under this section in tax year 2003 or tax year 2004, most likely because this was the only class of motorcycles that was subject to annual registration, while other motorcycle registration was changed to permanent.

29. Page 81, line 15.
Following: "pole trailer."
Insert: "Special military or veteran license plates bearing a wheelchair as the symbol of a person with a disability may be issued to a person who meets the qualifications under 61-3-332(9) and this section."

30. Page 83.
Following: line 24
Insert: **"Section 85.** Section 61-3-464 , MCA, is amended to read:

"61-3-464. Application for collegiate license plates. An applicant for collegiate license plates or renewal of collegiate license plates pursuant to 61-3-465 shall apply in the form and by the date the department requires. An application for a collegiate license plate may be combined with an application for a license plate bearing a wheelchair as the symbol of a person with a disability if the applicant meets the qualifications under 61-3-332(9)."

{*Internal References to 61-3-464:*
*x61-3-461 * x61-3-462 * x61-3-462 * x61-3-463 **}
"

Renumber: subsequent sections

Amendments #29-30 extend the option of wheelchair symbol license plates for a person with a disability to a person who is also qualified for special military or veteran license plates or who also wants collegiate license plates. With the changes proposed in these amendments and HB 671, persons with a disability should be able to choose whatever license plate type that they desire or qualify for and the wheelchair symbol can still be displayed. Committee members should have received a letter from Montana Advocacy Program in support of these amendments.

31. Page 90, line 24.
Following: "subsection"
Insert: "(1), the $1.25 one-time fee imposed under subsection"
Following: "(3)"
Insert: ","

Amendment #31 corrects the technical problem noted in the Fiscal Note to HB 671, page 5, Technical Note # 6.

32. Page 93, line 29.
Strike: "and that are reported under 61-3-501"

Amendment #32 deletes a reference to prior practice of reporting vehicles held in dealer inventory to avoid imposition of back taxes. With elimination of back tax requirement, reporting of dealer inventory is no longer required.

33. Page 97, line 16.
Following: "$2"
Insert: ", which must be remitted to the state and deposited in the state general fund"

Amendment #33 corrects the technical problem noted in the Fiscal Note to HB 671, page 5, Technical Note # 8 by specifying the $2 decal fee is supposed to go - to the state general fund.

34. Page 108, line 4.
Strike: "20-day"

Amendment #34 is a clean-up amendment that strikes reference to the period of a TRP. Under HB 671, TRP duration is 40 days, not 20 days.

35. Page 112, line 15.
Strike: "$1"

Insert: "50 cents"

Amendment #35 eliminates the proposed 50¢ increase for the driver's license renewal notice fee.

36. Page 112, line 30.
Strike: "or name"

Amendment # 36 is a clean-up amendment that strikes reference in catchphrase to comport with proposed amendment eliminating name changes from this process.

37. Page 113, line 3.
Following: "in writing"
Insert: "or electronically by an approved automated interface"

Amendment #37 clarifies the change of address notification can be done electronically via an approved automated interface. This parallels language proposed in section 1(3)(a) of HB 671.

38. Page 113, line 7.
Strike: "Except as provided in subsection (3), the"
Insert: "The"

39. Page 114, lines 19 and 20.
Strike: subsection (3) in its entirety

Amendments #38-39 delete language directing how the increased driver's license renewal notice fee would have been distributed. With the elimination of the increase and any diversion of the current fee to the motor vehicle electronic commerce operating account, this language wasn't needed.

- END -

EXHIBIT(his65a04)

Proponents' Testimony:

00:40:48 **Loren Frazier, Chief Engineer, MDOT**
00:41:49 **Spook Stang, Montana Motor Carriers' Association**

Opponents' Testimony: None.

Informational Testimony:

00:43:03 **Mike Duman, Federal Highway Administration**

00:43:36
Questions from Committee Members and Responses:

00:49:20
Closing by Sponsor:

HEARING ON HB 671

00:50:31
Opening Statement by Sponsor:

REP. JOHN MUSGROVE (D), HD 34, opened the hearing on **HB 671,** Generally revise motor vehicle law.

EXHIBIT(his65a05)

Proponents' Testimony:

00:53:24 **Dean Roberts, Administrator, Motor Vehicle Division**

EXHIBIT(his65a06)
EXHIBIT(his65a07)

01:02:08 **Brenda Nordland, Department of Justice**
01:13:03 **Jim Robinson, Montana Independent Automobile Dealer Association**
01:13:45 **Spook Stang, Executive Vice President, Montana Motor Carriers' Association**
01:14:01 **Joe Mazurek, Montana Interconnect**
01:14:55 **Marilyn Olsen, Montana Automobile Dealer Association**
01:15:19 **Steve Turkievicz, Montana Bankers' Association**
01:16:07 **Stuart Doggett, Montana Manufactured Housing and RV Association**

01:16:43 **Rhonda Carpenter Wiggers, Montana County Treasures' Association**

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:18:04
Closing by Sponsor:

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 5
DATE: 3/24/2005
BILL NO. HB 671

Amendments to House Bill No. 671
3rd Reading Copy

Requested by Representative John Sinrud

For the Senate Highways and Transportation Committee

Prepared by Greg Petesch
March 18, 2005 (9:44am)

1. Title, line 19.
Following: "PLATES;"
Insert: "DELAYING THE ISSUANCE OF A NEW DESIGN OF LICENSE PLATES;"

2. Page 69, line 10.
Strike: "2005"
Insert: "2006"

3. Page 69, line 12.
Strike: "2006"
Insert: "2007"

- END -

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 6
DATE: 3/24/2005
BILL NO. HB 671

Motor Vehicle Division Statistics

- 1.75 Million Total vehicles titled in Montana
- 540,000 Vehicles titled per year
- 1.3 Million Vehicles registered per year
- 770,300+ Drivers in Montana
- 3.0 Million Transactions per year
- 4.1 Million Records in MVD databases
- 49 Driver licensing stations
  (eight are open M-F)
- 154 MVD employees (FTE)

Why TEAM 261

- To provide consistent, quality customer service
- To facilitate easy access for those who need information, while ensuring security
- To improve efficiency
- To establish a single source for motor vehicle and driver information
- To replace an aging data process system built in the early 1980s
- To address decreasing availability of resources to support aging system
- To address the increasingly complex legislated mandates that are getting harder to implement

Details

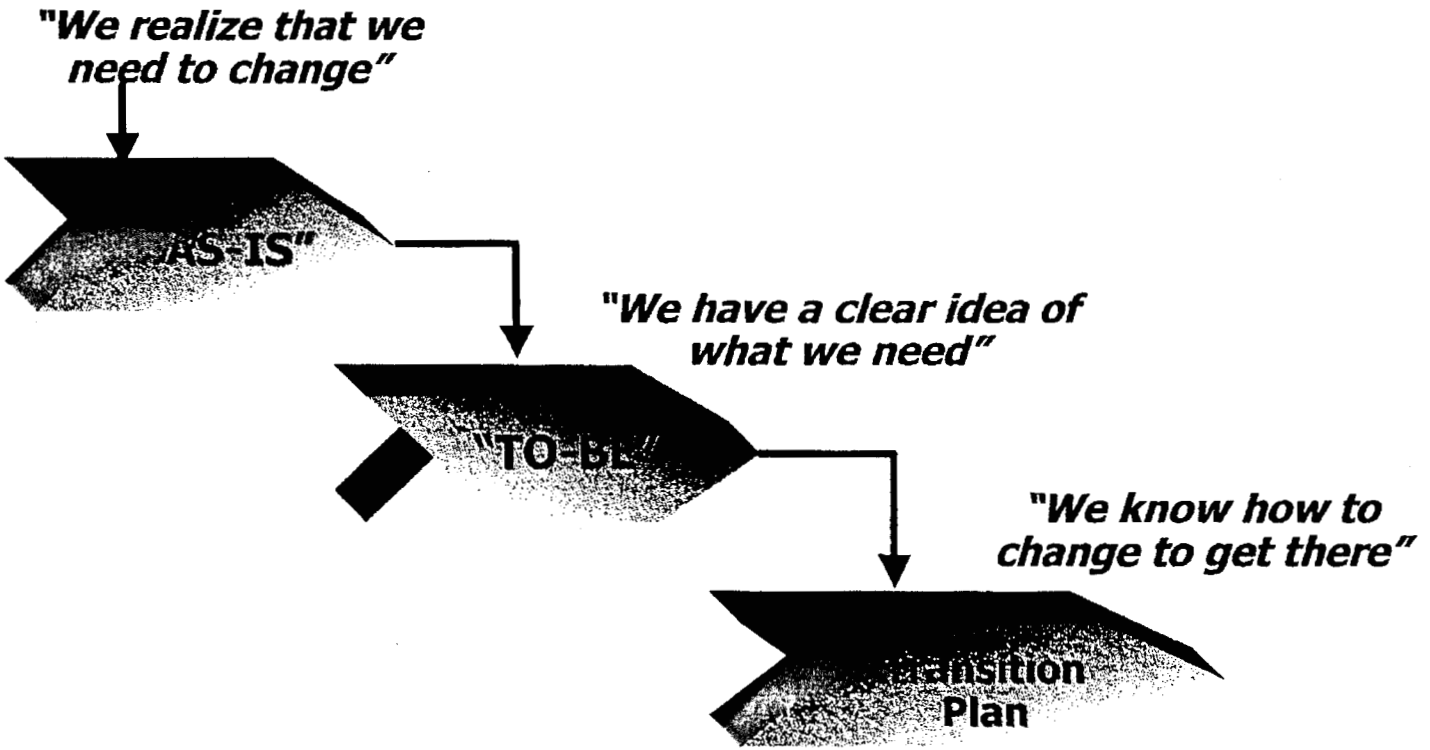
- House Bill 577 (2001) $4.5 million
- House Bill 261 (2003) $18 million
- Upgrade Motor Vehicle Division business processes and supporting technology
- Projected four-year project
- Board of Investments (BOI) 'Intercap Loan'
- 10-year term (loan & fees)
- Current adjustable rate 2.85 percent

What is Business Process Reengineering?

- Business Process Reengineering: a fundamental rethinking and redesign of business processes in order to bring about dramatic improvement in performance.

Our BPR methodology has three phases....

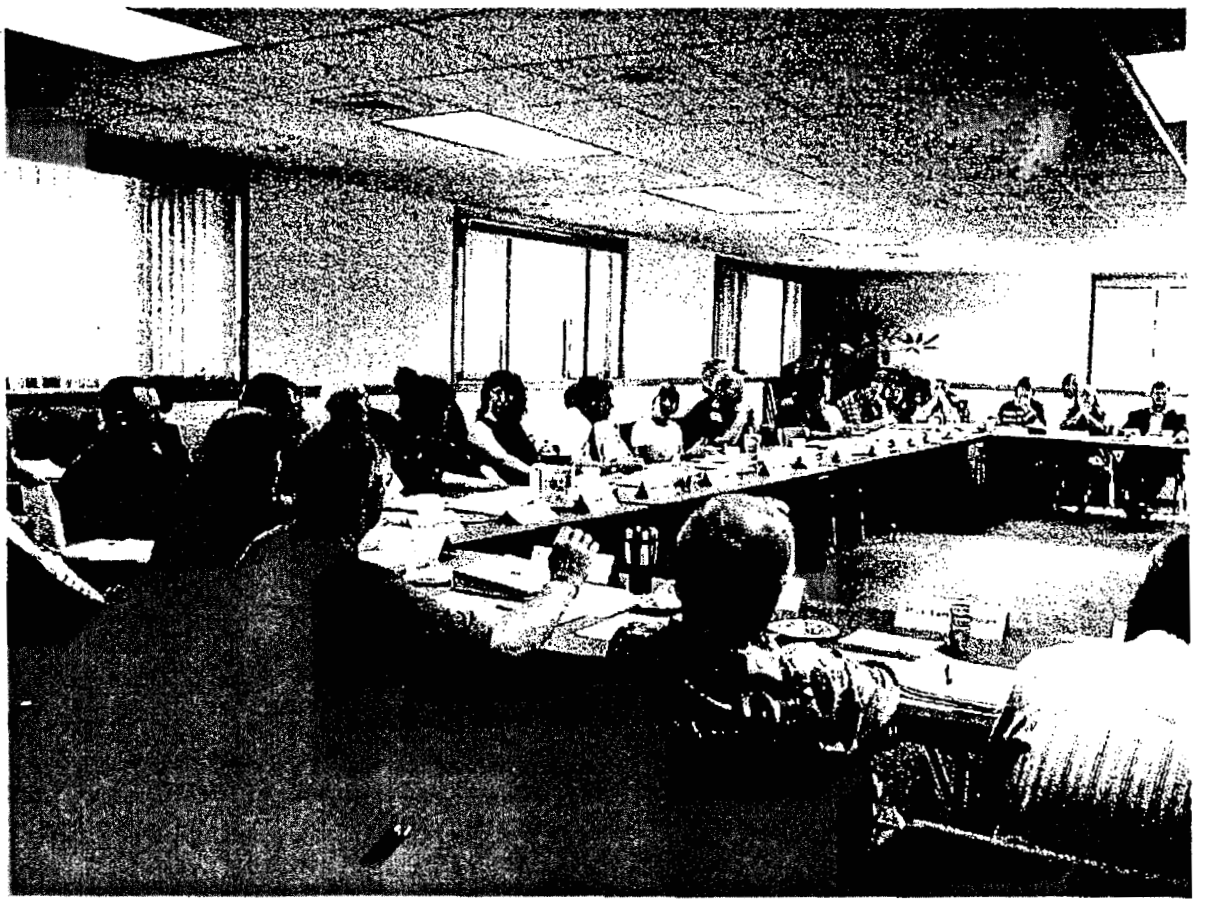
BPR, Summarized



At TEAM 261, We Added:

- Visioning Sessions with Key Stakeholders
- Guiding Principles
- Advisory Committee

Stakeholder Visioning



Driver Licensing Visioning Session - 2/10/05

Stakeholder visioning sessions lay groundwork for the BPR.

Participants represented law enforcement, courts, county treasurers, banking, insurance, and more.

Guiding Principles

At TEAM 261, we've written, published and posted **Guiding Principles** that clearly and consistently state our vision and purpose.

Montana Motor Vehicle Division

TEAM261

Driving the Future

EXHIBIT 1
DATE 2-14-05
HB 677

also exhibit to
tvh 52006
3/24/2005

Montana Motor Vehicle Division

TEAM261

Driving the Future

TEAM 261 and You

Presenter:

Steve Tesinsky, Project Manager
TEAM 261

February 10, 2005

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What is Business Process Reengineering?

- Business Process Reengineering: a fundamental rethinking and redesign of business processes in order to bring about dramatic improvement in performance.

Our BPR methodology has three phases....

Phase 1: Current Process Model
(AKA "AS-IS")

- Analyzes what business processes are being performed
- Captures in detail the steps involved in each process

AS-IS in Action

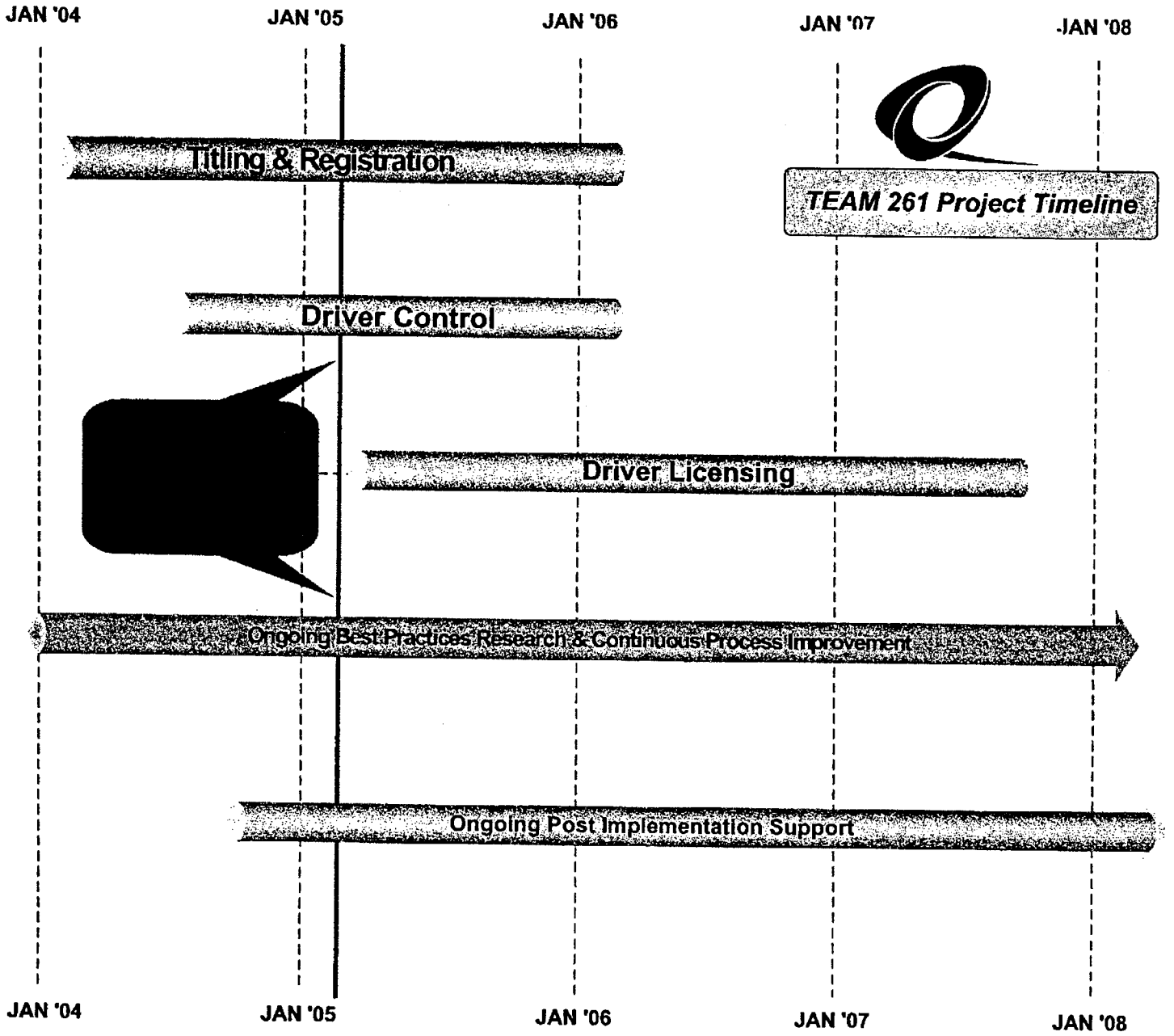
Facilitated meetings with subject matter experts produce workflows of current business practices.

Advisory Committee

Jess Anderson	Cascade County Treasurer	Montana County Treasurers
Jeff Brandt	State CIO	DOA ITSD
Marlene Davis	Employee Representative	Motor Vehicle Division
Phil Johnson	First Interstate Bank Manager	Banking Industry
Jean Malcom	Employee Representative	Motor Vehicle Division
Roger McGlenn	Independent Insurance Agency Association	Insurance Industry
Marilyn Olsen	Executive Vice President	Montana Automobile Dealers Association

Advisory Committee (cont.)

Bob Pyfer	Senior Vice-President	Montana Credit Unions League
James Reno	Yellowstone County Commissioner	Montana Association of Counties
Trudi Schmidt	State Senator, District 21	Montana Citizens
Jon Tester	State Senator, District 45	Montana Citizens
Steve Turkiewicz	President/CEO	Montana Bankers Association
John Witt	State Representative, District 89	Montana Citizens

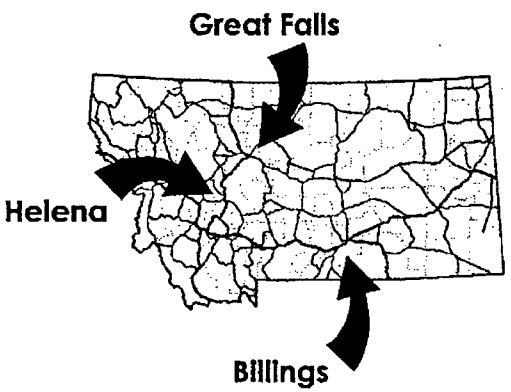

JAN '04
JAN '05
JAN '06
JAN '07
JAN '08
Titling & Registration
TEAM 261 Project Timeline
Driver Control
Driver Licensing
Ongoing Best Practices Research & Continuous Process Improvement
Ongoing Post Implementation Support
JAN '04
JAN '05
JAN '06
JAN '07
JAN '08

TEAM 261 Notables To-Date

- Significant reduction in titling turnaround
- Moving from microfilm document storage to imaging
- Staggered timeline is leveraging resources and creating efficiencies, as anticipated
- Active participation of stakeholder groups (e.g., law enforcement, county treasurers, automobile dealers, insurance industry, financial institutions, etc.)
- Coming soon: new temporary registration permits will allow law enforcement to identify vehicles immediately

Who can issue the new TRPs?

Initially, the new permits are being issued by five vehicle dealerships in three Montana cities – Helena, Great Falls and Billings. After the first phase of the project is complete, other agencies and dealerships will start issuing the permits as well. When the new system is in place, MVD will phase out the old handwritten permits and completely replace them with the new computer-generated permits.



Can I get more info?

Montana Motor Vehicle Division

PO Box 201430
Helena, MT 59620-1430

You can call the MVD directly at:

406-846-6000

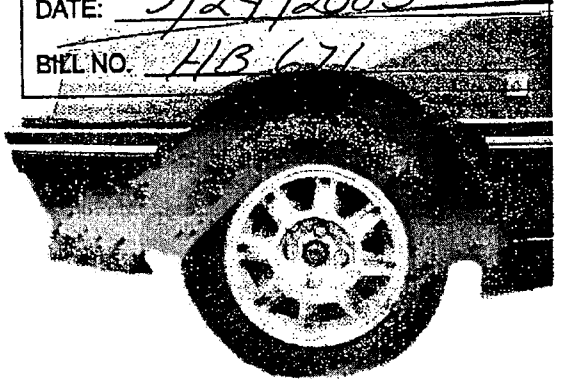
Or, go online to:

www.mt.gov

TEAM261
Montana Motor Vehicle Division
2827 Airport Rd.
Helena, MT 59601

Temporary Registration Permits

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 7
DATE: 3/24/2005
BILL NO. HB 671



Changes & Improvements

MVD Driving the Future

What is a TRP?

A Temporary Registration Permit, or TRP, is the form a vehicle owner places in the rear window of a vehicle before the license plates have been issued. The TRP allows the owner to drive the vehicle before the title and registration paperwork is complete.

Where do I get a permit?

In the past, the vehicle dealer, the local county treasurer's office, and local law enforcement agencies were the only agencies that issued TRPs. Under the Motor Vehicle Division's (MVD) new process, TRPs will be available through vehicle dealers, participating financial institutions, any county treasurer's office in the state, and over the Internet.

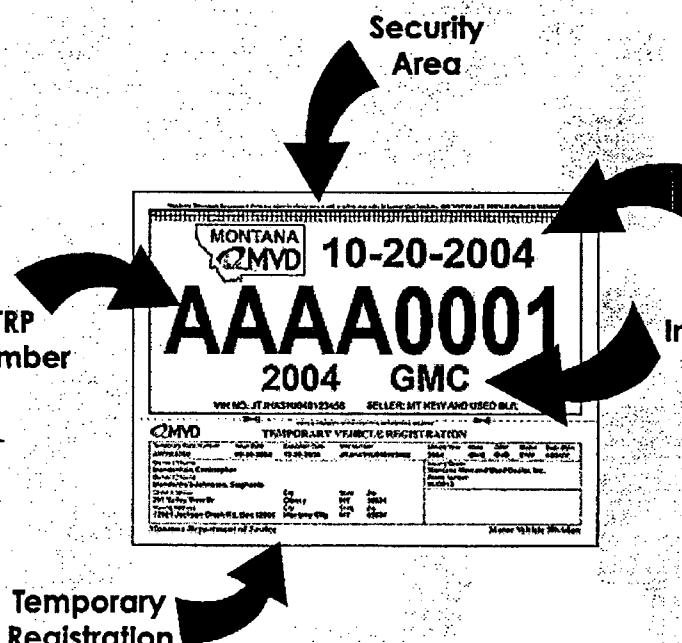
Why do I need a permit?

The most common situation in which a person needs a TRP is when they purchase a vehicle. The TRP allows the vehicle to be driven legally until the new owner receives the vehicle's license plates and registration. Some other situations include when a vehicle that is not currently registered needs to travel to a VIN inspection, or if a requested plate was not in stock and had to be ordered.

Montana Motor Vehicle Division
TEAM261

What does the permit look like?

The new TRP comes with two sections. The upper portion is displayed on the rear plate area of the vehicle. The TRP includes a printed expiration date, unique number, and vehicle information. There are no more handwritten numbers. It also has a security area printed along the top, which is used by MVD to determine if a permit is authentic. The bottom section is the temporary registration, which is kept in the vehicle until the owner receives the official registration.



Who developed the process?

The Montana Department of Justice Motor Vehicle Division modeled the new TRP process after a similar program in Arizona. TEAM 261 is developing the new TRP process. TEAM 261 is a Department of Justice project changing the business processes and systems behind driver licensing, vehicle titling, and vehicle registration. For the TRP project, TEAM 261 is working in cooperation with Montana Interactive, LLC, a division of NIC, the world's largest provider of e-government services. Montana Interactive has a five-year contract with the state, and provides over 60 online services to Montana citizens.

Why change?

The current TRP process is becoming outdated. It is expensive for MVD and other agencies to track the pre-printed permit forms. Law enforcement personnel have no access to these records. And, it is very difficult to determine if a purchaser has the appropriate TRP.

The new system allows MVD to easily track TRPs and provides law enforcement officers with electronic access to vehicle and ownership records. The new TRPs are much more visible because they are placed where the rear license plate normally goes.

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

00:00:01
Call to Order: By **CHAIRMAN GERALD PEASE**, on April 12, 2005 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:
Sen. Gerald Pease, Chairman (D)

Sen. John Brueggeman (R)
Sen. Vicki Cocchiarella (D)
Sen. Jesse Laslovich (D)
Sen. Frank Smith (D)
Sen. Donald J. Steinbeisser (R)

Members Excused: Sen. Jerry W. Black (R), Sen. Sam Kitzenberg(R), Sen. Dan Weinberg (D)

Members Absent: None.

Staff Present: Todd Everts, Legislative Branch
Peg Holwick, Committee Secretary, Audio Technician

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: None.
Executive Action: HB 671; HB 673; HB 678; HB 757, HB 512, HB 769

EXECUTIVE ACTION ON HB 671

00:00:50
Motion: SEN. BRUEGGEMAN moved that HB 671 BE CONCURRED IN.

00:01:19
Discussion:

00:02:22
Motion: SEN. BRUEGGEMAN moved amendment 6710.ate to HB 671.

EXHIBIT(his78a01)

00:03:02
Discussion:

00:03:25
Motion/Vote: SEN. LASLOVICH moved that HB 671 amendments be accepted. Motion carried unanimously by voice vote. SEN. WEINBERG and SEN. BLACK voted by PROXY.

00:04:25
Discussion:

00:05:24
Motion/Vote: SEN. BRUEGGEMAN moved that HB 671 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. WEINBERG and SEN. BLACK voted by PROXY.

EXECUTIVE ACTION ON HB 673

00:05:52
Motion: SEN. BRUEGGEMAN moved that HB 673 BE CONCURRED IN.

00:06:26
Discussion:

00:08:30
Motion: SEN. COCCHIARELLA made a substitute motion that HB 673 BE TABLED.

00:08:30
Discussion:

Substitute Motion/Vote: SEN. COCCHIARELLA made a substitute motion that HB 673 BE TABLED. Substitute motion carried unanimously by voice vote.

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO. 1
DATE: 4-12-05
BILL NO. HB 671

Amendments to House Bill No. 671
3rd Reading Copy

For the Senate Highways and Transportation Committee

Prepared by Todd Everts
April 12, 2005 (12:17pm)

1. Page 129.
Following: line 14
Insert: "COORDINATION SECTION. **Section 129. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then the definitions contained in [section 2 of this act] must be codified in 61-1-101 and the internal references must be adjusted."

Insert: "COORDINATION SECTION. **Section 130. Coordination instruction.** If Senate Bill No. 261 and [this act] are both passed and approved, then [section 10 of this act], amending 15-1-116, is void."

Insert: "COORDINATION SECTION. **Section 131. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved then [section 13 of this act], amending 15-1-122, is void and [section 4] of Senate Bill No. 285, amending 15-1-122, is amended as follows:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, $36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) $75,000 in fiscal year 2003;~~

~~(b)~~ (a) $0 in fiscal years 2004 and 2005;

~~(c)~~ (b) $3,050,205 in fiscal year 2006; and

~~(d)~~ (c) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5,~~:~~

~~(i) $2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and~~

~~(ii) $1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and $5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532.~~ 1.62% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.48% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years. The amount of 8.75% of the allocation in fiscal year 2006 and 9.48% of the allocation in fiscal year 2007 and succeeding years must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816~~:~~,

~~(i) $1 in fiscal year 2006 and, in each subsequent year, $2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803, and~~

~~(ii) for vehicles registered or reregistered pursuant to 61-3-321:~~

~~(A) $1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and~~

~~(B) $1.50 in fiscal year 2006 and, in each subsequent year, $3.65 for each motorcycle and quadricycle; and~~

~~(C) $7.50 for each permanently registered light vehicle~~ 1.53% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.50% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years;

(c) to the department of fish, wildlife, and parks:

(i) ~~$2.50 in fiscal year 2006 and,~~ 0.47% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and in succeeding fiscal years, 0.46% of the motor vehicle revenue deposited in the state general fund, ~~in each subsequent year, $14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received~~ with the applicable percentage to be:

(A) used to:

(I) acquire and maintain pumpout equipment and other boat facilities, 5.2% in fiscal year 2006 and 4.8% in fiscal year 2007 and succeeding years;

(II) administer and enforce the provisions of Title 23, chapter 2, part 5, 20.8% in fiscal year 2006 and 19.1% in fiscal year 2007 and succeeding years;

(III) enforce the provisions of 23-2-804, 12.1% in fiscal

year 2006 and 11.1% in fiscal year 2007 and succeeding fiscal years; and

(IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, 18.1% in fiscal year 2006 and 16.7% in fiscal year 2007 and succeeding fiscal years; and

(B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 43.8% in fiscal year 2006 and 48.3% in fiscal year 2007 and succeeding fiscal years;

(ii) ~~$5 in fiscal year 2006 and,~~ 0.12% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.10% of the motor vehicle revenue deposited in the state general fund in each subsequent fiscal year, ~~$19 for each snowmobile registered under 23-2-616,~~ with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

~~(iii) $1 for each duplicate snowmobile registration decal issued under 23-2-617;~~

~~(iv) $5 in fiscal year 2006 and, in each subsequent year, $13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;~~

~~(v) to the state special revenue fund established in 23-1-105, $3.50 in fiscal year 2006 and, in each subsequent year, $8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;~~

~~(vi)~~(iii) ~~an amount equal to 20%~~ 0.5% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.16% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year ~~of the funds collected pursuant to 23-2-518~~ to be deposited in the motorboat account to be used as provided in 23-2-533; ~~and~~

~~(vii) to the state special revenue fund established in 23-1-105, $4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with $3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;~~

(d) 0.75% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.64% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year, with 21.30% in fiscal year 2006 and 24.55% in fiscal year 2007 and succeeding fiscal years to be

deposited in the state veterans' cemetery account, provided for in 10-2-603, ~~$10 for each veteran's license plate subject to the fee in 61-3-459~~ and with 78.70% in fiscal year 2006 and 75.45% in fiscal year 2007 and succeeding fiscal years to be deposited in the veterans' services account provided for in 10-2-112(1);

~~(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:~~

~~(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;~~

~~(f)~~ (e) ~~25 cents a year for each registered vehicle and $1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6)~~ 0.59% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.30% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112; and

~~(g)~~ (f) to the search and rescue account provided for in 10-3-801, ~~:~~

~~(i) $2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;~~

~~(ii) $2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and~~

~~(iii) $2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803~~ 0.20% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.04% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year~~; and~~.

~~(h) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).~~

(4) ~~For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.~~ For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means

revenue received from:

(a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

(b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;

(c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

(d) all money collected pursuant to 15-1-504(3).

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes.""

Insert: "COORDINATION SECTION. **Section 132. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 25 of this act], amending 23-2-616, is void."

Insert: "COORDINATION SECTION. **Section 133. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(57) as amended by Senate Bill No. 285 must read as follows:

"(57) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.""

Insert: "COORDINATION SECTION. **Section 134. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(19) as amended by Senate Bill No. 285 must read as follows:

"(19) "Manufactured home" has the meaning provided in 15-1-101.""

Insert: "COORDINATION SECTION. **Section 135. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(55) as amended by Senate Bill No. 285 must read as follows:

"(55) "Temporary registration permit" means a paper record:

(a) issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic

interface after an electronic record has been transmitted to the department, that contains:

(i) required vehicle and owner information; and

(ii) the purpose for which the record was generated; and

(b) that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.""

Insert: "COORDINATION SECTION. **Section 136. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(22) as amended by Senate Bill No. 285 must read as follows:

"(22) "Mobile home" or "house trailer" has the meaning provided in 15-1-101.""

"COORDINATION SECTION. **Section 137. Coordination instruction.** (1) If Senate Bill No. 285 and [this act] are both passed and approved, then [section 41] of Senate Bill No. 285, amending 61-3-101, must include a new subsection (42) that reads:

"(42) "Registration" or "register" means the act or process of creating an electronic record, maintained by the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department records."

(2) Subsequent subsections in [section 41] of Senate Bill No. 285, amending 61-1-101, must be renumbered and internal references must be adjusted."

Insert: "COORDINATION SECTION. **Section 138. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 64] of Senate Bill No. 285, amending 61-3-224, is void and [section 47 of this act], amending 61-3-224,is amended as follows:

"**61-3-224. Temporary registration permit -- issuance -- placement -- fees.** (1) ~~A~~ The department, an authorized agent, or a county treasurer ~~or a law enforcement officer~~ may issue a temporary registration permit ~~under the provisions of 61-3-317. A county treasurer may also issue a temporary registration permit under the provisions of 61-3-342~~ to:

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat

that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration of the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle under this chapter;

(d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence;

(e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state; or

(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

(2) ~~An employee or agent of the department may issue a temporary registration permit only under express authorization from the department and in accordance with the provisions of this chapter.~~ A person, using a department-approved electronic interface, may issue a temporary registration permit for the specified purposes if the person is:

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence; or

(d) a financial institution located in Montana that intends to allow a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

~~(3) A dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or under Title 61, chapter 4, part 1, may issue a temporary registration permit only as authorized under 23-2-513, 23-2-619, 23-2-818, 61-4-111, or 61-4-112.~~

~~(4)~~(3) A temporary registration permit issued under ~~subsections (1) through (3)~~ this section must contain the

following information:

(a) a temporary ~~registration permit control~~ plate number, registration receipt number, or transaction record number, as prescribed by the department;

(b) the expiration date of the temporary registration permit; and

(c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification number, the name ~~and address~~ of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of ~~transfer~~ issuance.

(4) A temporary registration permit for:

(a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the rear exterior of the vehicle where a license plate is required to be displayed; and

(b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway must be plainly visible and firmly attached to the vehicle or vessel.

(5) (a) Except as provided in 61-3-431 and subsection (5)(b) of this section, a $3 fee is imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent, or a county treasurer when the vehicle is registered.

(b) Except as provided in 61-3-431, a fee of $8 is imposed and must be paid upon issuance of a temporary registration permit by:

(i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires a vehicle or vessels in this state; or

(ii) a person who issued a temporary registration permit using a department-approved electronic interface.

(6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited in the motor vehicle electronic commerce operating account provided for in [section 5 of House Bill No. 671].

(7) If a temporary registration permit is issued under this section to a person to whom ownership of a vehicle or vessel has been transferred, the permitholder must title and register the vehicle or vessel in this or another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person.""

{*Internal References to 61-3-224:*

x23-2-622}"

Insert: "COORDINATION SECTION. **Section 139. Coordination instruction.** If Senate Bill No. 318 and [this act] are both passed and approved, then [section 8] of Senate Bill No. 318, amending 61-3-301, is void."

Insert: "COORDINATION SECTION. **Section 140. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-302 must be amended as follows:

"61-3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden -- vehicles exempt from registration -- exceptions. (1)(a) ~~It shall especially be provided that a~~ A resident of the state of Montana ~~shall~~ who owns a motor vehicle, trailer, semitrailer, or pole trailer may not operate ~~a~~ the motor vehicle, trailer, semitrailer, or pole trailer ~~under a license~~ with license plates issued by any other state than Montana.

(b) A person who has resided in Montana for more than 60 consecutive days is considered to be a resident for the purpose of vehicle titling and registration laws, and a motor vehicle, trailer, semitrailer, or pole trailer owned by the person must be titled and registered under the laws of Montana prior to operation in this state after the 60-day period.

(2) A motor vehicle, trailer, semitrailer, or pole trailer driven or moved upon a highway in this state and owned by a nonresident of this state is exempt from registration under this chapter if:

(a) the vehicle is properly registered in and displays valid license plates of the jurisdiction in which the nonresident owner resides; and

(b) (i) the vehicle is not used for the transportation of persons or property for hire, compensation, or profit;

(ii) the nonresident owner is not employed or engaged in a commercial or business enterprise in this state; or

(iii) the vehicle is used for the exclusive purpose of filming motion pictures or television commercials and does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

(3) A motor vehicle, trailer, semitrailer, or pole trailer that is owned by a manufacturer, a dealer, a wholesaler, or an auto auction and that is held for sale is exempt from registration under this part, even though the motor vehicle, trailer, semitrailer, or pole trailer is incidentally moved on the highway and is used for purposes of testing or demonstration or is used by a manufacturer solely for testing.

(4) A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven to an auto wrecking graveyard for disposal is exempt from the provisions of this chapter.""

{*Internal References to 61-3-302: None.*}"

Insert: COORDINATION SECTION. **Section 141. Coordination instruction.** If House Bill No. 541 and [this act] are both passed and approved, then [section 3] of House Bill No. 541 that amends 61-3-303 is void."

Insert: "COORDINATION SECTION. **Section 142. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-303 must be amended as follows:

"**61-3-303. ~~Registration~~ Original registration -- process -- fees.** (1) ~~A~~ Except as provided in 61-3-324, Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner permanently resides or, if the motor vehicle, trailer, semitrailer, or pole trailer is owned by a corporation or used primarily for commercial purposes, in the county where the motor vehicle, trailer, semitrailer, or pole trailer is ~~permanently assigned~~ domiciled.

(2) ~~(a)~~ Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

~~(i)~~(a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

~~(ii)~~(b) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

~~(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.~~

(3) (a) A county treasurer ~~shall~~ may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot, due to circumstances beyond the new owner's control, ~~present the~~ surrender a previously ~~issued~~ assigned certificate of

title ~~only as authorized by the department under 61-3-342~~. The new owner may submit an application for certificate of title, subject to the registration renewal limitations of 61-3-312.

(4) ~~The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration.~~ Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the county treasurer shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5); and

(e) assign and issue license plates for the vehicle under 61-3-331.

(5) ~~A~~ Unless otherwise provided by law, a person ~~who seeks to register~~ registering a motor vehicle~~, except a mobile home or a manufactured home as those terms are defined in 15-1-101(1),~~ shall pay to the county treasurer:

(a) ~~the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;~~

~~(b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle~~ the fees in lieu of tax or registration fees, as required for:

(i) a light vehicle under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570 ~~imposed against the vehicle for the current year of registration and the immediately previous year~~;

(ii) a motor home under 61-3-321;

(iii) a travel trailer under 61-3-321;

(iv) a motorcycle or quadricycle under 61-3-321;

(v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-321 and 61-3-529; or

(vi) a trailer under 61-3-321; and

~~(c)~~(b) a donation of $1 or more if the person ~~has indicated on the application~~ indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical

gifts; and

~~(d)~~ (c) a donation of $1 or more if the person ~~has indicated on the application~~ indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

(6) The county treasurer may not issue a registration receipt or license plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (5). ~~Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:~~

~~(a) the current year; and~~

~~(b) except as provided in subsection (9), the immediately preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.~~

(7) The department may make full and complete investigation of the registration status of the motor vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.

(8) Revenue that accrues from the voluntary donation provided in subsection ~~(5)(c)~~ (5)(b) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer~~, or semitrailer~~ that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a ~~vehicle described in this subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership ~~of the vehicle~~ is transferred.

(b) Whenever ownership of a ~~vehicle described in subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the

required fees in lieu of tax, taxes, and fees.

(10) Revenue that accrues from the voluntary donation provided in subsection ~~(5)(d)~~ (5)(c) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury."

{*Internal References to 61-3-303:*
x15-16-202 *x15-16-202* *x15-16-202* *x61-1-603*
x61-1-603 *x61-3-312* *x61-3-317* *x61-3-332*
x61-3-411 *x61-3-412* *x61-3-456* *x61-3-465*
x61-3-562}"

Insert: "COORDINATION SECTION. **Section 143. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-311 must be amended as follows:

"**61-3-311. Registration -- ~~annual renewal --~~ time periods.** (1) ~~Registration must be renewed annually, and registration fees must be paid annually. Except~~ Unless a motor vehicle, trailer, semitrailer, or pole trailer is subject to permanent registration under this title and except as provided in 61-3-313, ~~through 61-3-316, 61-3-318, 61-3-526~~ 61-3-701, ~~and~~ 61-3-721, and subsection (3) of this section, ~~all registrations expire on December 31 of the year in which they are issued and must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year~~ the department, an authorized agent, or a county treasurer shall, upon original registration of a motor vehicle in this state, assign each motor vehicle to a registration period, as provided in 61-3-316, based upon the calendar month in which the motor vehicle is first registered in this state and designate the calendar year in which the current registration will expire. ~~If the ownership of a motor vehicle is transferred during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle as provided by this chapter.~~

~~(2) The department, its authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered under the provisions of 61-3-342(3) unless:~~

~~(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or~~

~~(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208.~~

(2) Each registration period commences on the first day of the calendar month in the calendar year in which the motor vehicle is registered and the motor vehicle's registration expires on the earlier of:

(a) the last day of the month preceding the anniversary of the registration period for the year designated on the motor vehicle's registration decal, if the motor vehicle is registered for a minimum 12-month period;

(b) the last day of the month preceding the anniversary of the registration period for the year designated on the motor vehicle's registration decal, if the motor vehicle is registered for a period of at least 13 but less than 25 months; or

(c) the transfer of ownership of the motor vehicle, trailer, semitrailer, or pole trailer to another person.

(3) (a) Upon request of the motor vehicle a county treasurer may assign a motor vehicle to a registration period, as provided in 61-3-316, other than the calendar month in which the motor vehicle is first registered in this state if at least 13 but less than 25 months will elapse between the first day of the calendar month in which the motor vehicle is registered and the last day of the month preceding the anniversary of the requested registration period in the year designated on the motor vehicle's registration decal.

(b) The county treasurer shall determine fees imposed for a motor vehicle registered for a period between 13 and 24 months. All registration fees, fees in lieu of tax, or local option taxes or fees that are imposed on an annual basis must be prorated based on the number of months in the requested registration period.

(c) A motor vehicle registered under the provisions of 61-3-303(3)(b) may not be registered under this subsection (3).

(4) If a motor vehicle, trailer, semitrailer, or pole trailer is permanently registered under the provisions of this chapter, the registration is not subject to expiration unless the registered owner of the motor vehicle, trailer, semitrailer, or pole trailer transfers ownership of the vehicle to another person."

Insert: "COORDINATION SECTION. **Section 144. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-312 must be amended as follows:

"61-3-312. Renewal of registration -- exceptions -- grace period. (1) Except as provided in ~~61-3-311(1), 61-3-314, 61-3-318, 61-3-526, 61-3-560, 61-3-562,~~ 61-3-313 and 61-3-721, the registration of a motor vehicle under this chapter ~~expires on December 31 of each year and~~ must be renewed ~~annually upon payment of registration fees as provided in 61-3-303 and 61-3-321~~ on or before the last day of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration. ~~The renewal takes effect on January 1 of each year.~~ A person may renew a motor vehicle's registration by submitting full payment for the fees or taxes required under 61-3-303 to the department, an authorized agent, or a county

treasurer in any county of this state. Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be retained and the duration of the renewed registration is determined in accordance with 61-3-311. A registration receipt is valid ~~only during~~ for the registration ~~year~~ period for which it is issued.

(2) The owner of a motor vehicle ~~registered~~ subject to registration renewal under the provisions of this section ~~may operate the vehicle between January 1 and February 15 without displaying the registration decal of the current year if, during the period, the owner displays upon the vehicle the number plates or plate assigned for the previous year~~ is considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department, an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's registration period.

(3) The department, an authorized agent, or a county treasurer may not renew the registration of a motor vehicle for which ownership has been transferred and that was originally registered without being titled under the provisions of 61-3-303(3)(b) unless:

(a) the previously issued certificate of title has been surrendered to the department, an authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

Insert: "COORDINATION SECTION. **Section 145. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-313 must be amended as follows:

"**61-3-313. ~~Vehicles subject to staggered~~ Motor vehicles exempt from registration renewal.** ~~For purposes of 61-3-313 through 61-3-316, "vehicle" means a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this state except~~ The following motor vehicles are exempt from the registration renewal requirements of 61-3-312:

(1) motor vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

~~(2) mobile homes and motor homes;~~

~~(3) vehicles that are registered in accordance with or subject to 61-3-411 or 61-3-458(3)(b);~~

~~(4) trucks exceeding a 1-ton rated capacity;~~

~~(5) trailers, semitrailers, tractors, and buses;~~

~~(6) special mobile equipment as defined in 61-1-104;~~

~~(7)~~ (2) motor vehicles registered as part of a fleet under 61-3-318; ~~and~~

~~(8)~~ (3) apportionable motor vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733; and

(4) unless a transfer of ownership occurs, a travel trailer, trailer, semitrailer, pole trailer, motorcycle, or quadricycle, including a motorcycle or quadricycle registered only for off-highway use under Title 23, chapter 2, part 8, is permanently registered.""

Insert: "COORDINATION SECTION. **Section 146. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-314 must be amended as follows:

"61-3-314. Registration period. ~~(1) Except as provided in 61-3-315, each vehicle subject to the provisions of 61-3-313 through 61-3-316 must be registered for a 12-month period based upon the date it is first registered in this state pursuant to 61-3-313 through 61-3-316.~~

~~(2) There~~ For the purposes of this chapter, there are 12 registration periods to which a motor vehicle may be assigned. ~~, each of which~~ Each registration period commences on the first day of a calendar month. The periods are:

~~(a)~~ (1)	January 1 through January 31	1st period
~~(b)~~ (2)	February 1 through February 28/29	2nd period
~~(c)~~ (3)	March 1 through March 31	3rd period
~~(d)~~ (4)	April 1 through April 30	4th period
~~(e)~~ (5)	May 1 through May 31	5th period
~~(f)~~ (6)	June 1 through June 30	6th period
~~(g)~~ (7)	July 1 through July 31	7th period
~~(h)~~ (8)	August 1 through August 31	8th period
~~(i)~~ (9)	September 1 through September 30	9th period
~~(j)~~ (10)	October 1 through October 31	10th period
~~(k)~~ (11)	November 1 through November 30	11th period
~~(l)~~ (12)	December 1 through December 31	12th period""

Insert: "COORDINATION SECTION. **Section 147. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-317 must be amended as follows:

"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty -- display of proof of purchase. (1) ~~Except as otherwise provided in this section, the~~ The new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer has a grace period of ~~20~~ 40 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by ~~part 5 of~~ this chapter, and

local option taxes, if applicable~~, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the vehicle were being registered for the first time in that registration year~~. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the streets and highways of this state during this period unless a temporary registration permit has been issued for and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

~~(2) The new owner of a vehicle described in 61-3-303(9) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.~~

~~(3)~~(2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current registration receipt or registration decal during the ~~20-day~~ 40-day period if at all times during that period, a temporary registration permit, issued under 61-3-224, ~~obtained from the county treasurer or a law enforcement officer as authorized by the department,~~ is ~~clearly~~ properly displayed ~~in the rear window of the motor vehicle or, if a durable placard has been issued for the vehicle, the placard is attached to the rear of the vehicle~~.

~~(4) Registration fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section.~~

~~(5) Failure to make application for a certificate of title within the time provided in this section subjects the purchaser to a penalty of $10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general fund.~~""

Insert: "COORDINATION SECTION. **Section 148. Coordination instruction.** If Senate Bill No. 285, Senate Bill No. 318, and [this act] are all passed and approved, then [section 16] of Senate Bill No. 318, a coordination instruction, is void and 61-3-321 must be amended as follows:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, ~~reregistration~~ renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, ~~and~~ semitrailers, and pole trailers ~~in accordance with this chapter, as follows~~ as

provided in subsections (2) through (19):

(2) ~~(a)~~ Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles ~~under 2,850 pounds, $13.75 in calendar year 2004 and, in each subsequent year, $17,~~ trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(a) if the vehicle is 4 years old or less, $217;

(b) if the vehicle is 5 through 10 years old, $87; and

(c) if the vehicle is 11 or more years old, $28.

~~(b)~~ (3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of the trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, $61.25; or

(b) if the declared weight is 6,000 pounds or more, $148.25 ~~trailers with a declared weight of less than 2,500 pounds and semitrailers, $8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(c)~~ (4) The annual registration fee for motor vehicles ~~registered~~ owned and operated solely as collector's items pursuant to 61-3-411 ~~that~~ are for motor vehicles:

~~(i)~~ (a) 2,850 pounds and over, $10; and

~~(ii)~~ (b) under 2,850 pounds, $5~~;~~.

~~(d)~~ (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles ~~registered pursuant to 23-2-817, $9 in calendar year 2004 and, in each subsequent year, $19.25~~ other than quadricycles is $61.25. ~~This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.~~

~~(e)~~ (6) The annual registration fee for ~~light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and~~ heavy trucks, buses, and logging trucks in excess of 1 ton~~, $18.75 in calendar year 2004 and, in each subsequent year, $22~~ is $22.75~~;~~.

~~(f) logging trucks less than 1 ton, $23.75;~~

~~(g)~~ (7) (a) ~~motor homes, $22.25;~~ The annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 5 years old, $224.25;

(iii) 5 years old and less than 8 years old, $132.50; and

(iv) 8 years old and older, $97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.75; and

(ii) if applicable, five times the renewal fees for personalized plates under 61-3-406.

~~(h)~~ (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles ~~and quadricycles, $9.75 for a motorcycle or quadricycle with special license plates issued~~

~~under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $9.75 in calendar year 2004 and, in each subsequent year, $11.25~~ registered for use on public highways is $53.25 and the one-time registration fee for motorcycles registered for both off-road use and for use on the public highways is $114.50. ~~This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.~~

(b) An additional fee of $16 must be collected for the registration of each motorcycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

~~(i) trailers and semitrailers between 2,500 and 6,000 pounds, $11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, $16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(k)~~ (9) Except as provided in subsection (15), the one-time registration fee for travel trailers ~~under 16 feet in length, $11.75~~ is $72 and the one-time registration fee for travel trailers 16 feet in length or longer is $152. ~~This fee is a one-time fee, except upon transfer of ownership of a travel trailer.~~

~~(l) recreational vehicles, $3.50 in calendar year 2004 and, in each subsequent year, $9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.~~

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is $60.50.

(b) (i) A snowmobile that is licensed by a Montana business and that is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of $40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of $20.

(ii) If the business reregisters the snowmobile for a third

year, the snowmobile must be permanently registered and the business is assessed the fee in lieu of tax imposed in subsection (11)(a).

~~(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.~~

~~(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.~~

~~(3) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $5 in calendar year 2004 and, in each subsequent year, $16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.~~

(12) Except as provided in subsection (15), the one-time registration fee for a quadricycle is $59.25.

~~(4)~~(13) A fee of $5 ~~for each set of new number plates~~ must be collected when ~~number plates~~ a new set of standard license plates or a new single standard license plate provided for under ~~61-3-332(2) are~~ 61-3-332 is issued. The $5 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

~~(5)~~(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to light vehicles that are exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520.

~~(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.~~

~~(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.~~

~~(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.~~

~~(b) The following vehicles are not subject to the fee:~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;~~

~~(ii) off-highway vehicles registered pursuant to 23-2-817; and~~

~~(iii) vehicles bearing license plates described in 61-3-458(3)(d).~~

~~(8)~~ (15) ~~The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.~~ Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, or snowmobile is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

~~(9)~~ (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)~~ (17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (13) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(11)~~ (19) (a) Unless a person exercises the option in subsection ~~(11)(b)~~ (19)(b), an additional fee of $4 must be collected for each light vehicle ~~or truck under 8,001 pounds GVW~~ registered ~~for licensing pursuant to~~ under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state ~~general~~ special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities ~~as provided in 15-1-122(3)(c)(vii)~~. Of the $4 fee, the department shall use $3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle ~~or truck under 8,001 pounds GVW~~ may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election

not to pay the additional $4 fee provided for in subsection ~~(11)(a)~~ (19)(a). If a written election is made, the fee may not be collected.

(20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

{*Internal References to 61-3-321:*

x7-14-112	*x10-3-1307*	*x15-1-121*	*x15-1-122*
x15-1-122	*x15-1-122*	*x15-1-122*	*x15-1-122*
x23-1-105	*x23-2-804*	*x23-2-804*	*x61-3-303*
x61-3-312	*x61-3-317*	*x61-3-325*	*x61-3-456*
x61-3-560	*x61-3-562*	*x61-3-562*	*x61-3-562*
x61-3-721	*x61-3-721*	*x61-4-310*}""	

Insert: "COORDINATION SECTION. **Section 149. Coordination instruction.** If Senate Bill No. 318 is not passed and approved and Senate Bill No. 285 and [this act] are both passed and approved, then subsection (12) of 61-3-321 contained in [section 148 of this act] is void and internal references must be adjusted and subsection (8) of 61-3-321 contained in [section 148 of this act] must read as follows:

"(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles~~, $9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $9.75 in calendar year 2004 and, in each subsequent year, $11.25~~ registered for use on public highways is $53.25 and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $114.50. ~~This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.~~

(b) An additional fee of $16 must be collected for the registration of each motorcycle and quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.""

Insert: "COORDINATION SECTION. **Section 150. Coordination instruction.** If Senate Bill No. 285, House Bill No. 35, and [this act] are all passed and approved, then 61-3-321(12) as amended by House Bill No. 35 must read as follows:

"(12) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of $5 must be collected and forwarded to the state for deposit in the account established in [section 4 of House Bill No. 35]."

Insert: "COORDINATION SECTION. **Section 151. Coordination**

instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 83] of Senate Bill No. 285, amending 61-3-333, is void."

Insert: "COORDINATION SECTION. **Section 152. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-334 must be amended as follows:

"**61-3-334. ~~Expiration of registration on transfer~~ Transfer of ownership of motor vehicle -- duty to remove plates.** Upon the transfer of ownership of a motor vehicle, trailer, semitrailer, or pole trailer, ~~the registration of the motor vehicle shall expire and it shall be the duty of~~ the transferor shall immediately ~~to~~ remove the license plates from the motor vehicle, trailer, semitrailer, or pole trailer.""

Insert: "COORDINATION SECTION. **Section 153. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 97] of Senate Bill No. 285, amending 61-3-425, is void."

Insert: "COORDINATION SECTION. **Section 154. Coordination instruction.** If Senate Bill No. 285, which repeals 61-3-522, is not passed and approved and House Bill No. 541 and [this act] are both passed and approved, then 61-3-522 must be amended as follows:

"**61-3-522. Schedule of fees for motor homes -- permanent registration of motor homes -- transfer of ownership.** (1) The owner of a motor home shall pay a fee based on the age of the motor home according to the following schedule:

less than 2 years old	$250
2 years old and less than 3 years old	230
3 years old and less than 4 years old	195
4 years old and less than 5 years old	150
5 years old and less than 6 years old	125
6 years old and less than 7 years old	100
7 years old and less than 8 years old	75
8 years old and older	65

(2) ~~(a) Except as provided in subsection (2)(b), the~~ The age of a motor home ~~is~~ must be determined ~~by subtracting the manufacturer's designated model year from the current calendar year~~ under 61-3-501.

~~(b) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(3) (a) The owner of a motor home that is 11 years old or

older and that is subject to the registration fee under 61-3-321 may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.75; and

(ii) if applicable, five times the renewal fees for personalized plates under 61-3-406.

(b) The following series of license plates may not be used for purposes of permanent registration of a motor home:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) amateur radio operator license plates issued under 61-3-422;

(iv) collegiate license plates issued under 61-3-465; and

(v) generic specialty license plates issued under 61-3-479.

(4) The permanent registration of a motor home allowed by this section may not be transferred to a new owner. If the motor home is transferred to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and register the motor home under 61-3-303.""

Insert: "COORDINATION SECTION. **Section 155. Coordination instruction.** If Senate Bill No. 285, House Bill No. 541, and [this act] are all passed and approved, then subsection (3)(b) of 61-3-522, as is reads in [section 154 of this act] must be codified as a new section in Title 61, chapter 5, because 61-5-522 is repealed by Senate Bill No. 285."

Insert: "COORDINATION SECTION. **Section 156. Coordination instruction.** If Senate Bill No. 285, which repeals 61-3-527, is not passed and approved and House Bill No. 102 and [this act] are both passed and approved, then 61-3-527 must be amended as follows

"**61-3-527. One-time fee in lieu of tax for motorcycles and quadricycles -- permanent registration.** (1) (a) ~~There~~ Except as provided in subsection (2), there is a one-time fee in lieu of property tax of ~~$20 in calendar year 2004 and, in each subsequent year,~~ ~~$40~~ $41.25 imposed on motorcycles and quadricycles that are subject to one-time registration. The fee is in addition to registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle with a special license ~~plates~~ plate issued under 61-3-415 shall pay ~~an annual fee based on the age of the motorcycle or quadricycle and the size of the engine, according to the following schedule:~~

~~(a) The fee schedule for a motorcycle or quadricycle with~~

~~an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:~~

~~(i) less than 5 years old, $30;~~

~~(ii) 5 years old but less than 11 years old, $15; and~~

~~(iii) 11 years old and older, $6~~ the one-time registration fee imposed under subsection (1) and the fees imposed under 61-3-415.

~~(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:~~

~~(i) less than 5 years old, $55;~~

~~(ii) 5 years old but less than 11 years old, $20; and~~

~~(iii) 11 years old and older, $6.~~

~~(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:~~

~~(i) less than 5 years old, $90;~~

~~(ii) 5 years old but less than 11 years old, $50; and~~

~~(iii) 11 years old and older, $6.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

~~(4) A person who registers a motorcycle or quadricycle as provided in this section shall pay an additional one-time fee of $1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the $1.25 fee collected under this subsection from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.~~

~~(5)~~ (3) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. ~~(Subsection (4) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)~~""

Insert: "COORDINATION SECTION. **Section 157. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-701 must be amended as follows:

"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity. (1) ~~Before~~ A person may not operate a motor vehicle, trailer, semitrailer, or pole trailer that is registered in another jurisdiction ~~may be operated~~ on the highways of this state if the vehicle is used for hire, compensation, or profit or ~~before the owner or user of the~~

~~vehicle uses the vehicle~~ if the ~~owner or user~~ person is engaged in gainful occupation or business enterprise in the state, including highway work, ~~the owner of the vehicle shall register~~ unless the motor vehicle, trailer, semitrailer, or pole trailer is registered at the office of a county treasurer or an authorized agent of the department. Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by ~~15-8-201, 15-8-202, 15-24-301,~~ 61-3-321, 61-3-529, or 61-3-537, ~~or 61-3-560 and 61-3-561,~~ the treasurer or authorized agent shall enter the vehicle for registration purposes only on the electronic registry maintained by the department under 61-3-101. One-fourth of the annual fees or taxes due on the motor vehicle, trailer, semitrailer, or pole trailer subject to registration under this section must be paid for each calendar quarter or portion of a calendar quarter for the year that the vehicle will be located or operated in Montana.

(2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue to the ~~vehicle~~ owner of the motor vehicle, trailer, semitrailer, or pole trailer a registration receipt, ~~and the proper~~ license plates, ~~or other identification markers~~ and a registration decal indicating the calendar quarter and year for which the motor vehicle, trailer, semitrailer, or pole trailer is registered. The license plates, with attached registration decal, ~~or identification markers~~ must at all times be displayed upon the motor vehicle, trailer, semitrailer, or pole trailer when operated or driven upon roads and highways of this state during the registration period indicated on the receipt.

(3) The registration receipt does not constitute evidence of ownership but ~~must~~ may be used only for registration purposes. A Montana certificate of title may not be issued for a motor vehicle, trailer, semitrailer, or pole trailer registered under this section.

(4) This section is not applicable to a motor vehicle covered by a valid and existing reciprocal agreement or declaration entered into under Montana law.""

Insert: "COORDINATION SECTION. **Section 158. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 129] of Senate Bill No. 285, amending 61-3-707, is void."

Insert: "COORDINATION SECTION. **Section 159. Coordination instruction.** If Senate Bill No. 285, House Bill No. 55, and [this act] are all passed and approved, then [section 2] of House Bill No. 55, a coordination section, is void and 61-3-721 must be amended as follows:

"61-3-721. Proportional registration of motor fleet vehicles, registration periods, application, fee formula, and payment -- permanent registration of trailer and semitrailer fleets -- transfer of ownership -- transfer of license plates. (1) An owner of one or more fleets may register and license each fleet for operation in this state by filing an application with the department of transportation. The application must contain the information pertinent to motor vehicle, trailer, semitrailer, or pole trailer registration that is required by the department of transportation. If an electronic record of title has not been created for or a certificate of title issued for an apportionable vehicle in the fleet, the department of transportation, as an authorized agent of the department of justice, may also process the application for certificate of title for the vehicle as provided in 61-3-203 and 61-3-217.

(2) ~~Each~~ Except as provided in 61-3-318(1) and subsection (6) of this section, each fleet subject to the provisions of 61-3-711 through 61-3-733 must~~, except as provided in 61-3-318(1) and subsection (6) of this section,~~ be registered for an annual registration period based upon the date that the fleet is first registered in this state.

(3) There are four annual registration periods, each of which begins on the first day of a calendar quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31. The periods are:

(a) January 1 through March 31 1st period

(b) April 1 through June 30 2nd period

(c) July 1 through September 30 3rd period

(d) October 1 through December 31 4th period

(4) Registration of a fleet of apportionable motor vehicles under subsection (2) must be renewed on or before the last day of the month for the designated annual registration period unless a different registration period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous registration of multiple fleets of apportionable motor vehicles in common ownership.

(5) Except as provided in subsection (6), the application for each fleet may be accompanied by a fee payment computed by:

(a) dividing in-state miles by total fleet miles as defined in the applicable agreement, arrangement, or declaration entered into pursuant to 61-3-711 through 61-3-733;

(b) determining the total amount necessary to register each motor vehicle, trailer, semitrailer, or pole trailer in the fleet for which registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and chapter 10, part 2, and the property taxes that are due on the fleet;

(c) multiplying the sum obtained under subsection (5)(b) by the fraction obtained under subsection (5)(a).

~~(6) (a) Each trailer and semitrailer fleet must be registered for a 5-year period based upon the date that the fleet is first registered in this state.~~

~~(b) Each trailer and semitrailer in the fleet for which registration is requested must be assessed a registration fee equal to five times the amount prescribed by 61-3-321.~~

~~(c) Each trailer or semitrailer must be issued a license plate, a distinctive sticker, or other suitable identification device valid for 5 years from the date of the original application or renewal application.~~

~~(d) Registration of a trailer or semitrailer must be renewed on or before the last day of the month for the designated 5-year registration period.~~

~~(7) Upon the transfer of ownership of a trailer or semitrailer, the registration of the trailer or semitrailer expires and it is the duty of the transferor to immediately remove the license plates from the trailer or semitrailer.~~

~~(8) (a) If the transferor applies for the registration of another trailer or semitrailer at any time during the remainder of the current registration period as shown on the original registration, the transferor may file an application with the department of transportation, accompanied by the original certificate of registration, for the transfer of the license plates. The application for transfer of the license plates must be made by the person or motor carrier in whose name the original license plates to the trailer or semitrailer were issued. The use of the license plates is not legal until the proper transfer of license plates has been made.~~

~~(b) License plates may be transferred pursuant to this section without transferring ownership of the trailer or semitrailer for which the license plates were originally issued.~~

~~(c) Upon transfer of the license plates, the registration of the trailer or semitrailer from which the license plates were transferred expires. The registration for the trailer or semitrailer must be surrendered to the department of transportation with the application for transfer.~~

~~(d) License plates issued for a trailer or semitrailer under this section may be transferred only to a replacement trailer or semitrailer. A license plate fee may not be assessed upon transfer of a license plate.~~ Upon renewal or new registration, each trailer, semitrailer, or pole trailer fleet must be permanently registered and assessed a registration fee of $82.50. Each trailer, semitrailer, or pole trailer in the fleet must be issued a permanent license plate and sticker.

(7) The fee assessed in subsection (6) is a one-time fee except upon transfer of ownership of a trailer, semitrailer, or pole trailer.

(8) If the owner of a fleet removes a trailer, semitrailer, or pole trailer from the fleet, the owner shall surrender the registration and license plate assigned to the trailer,

semitrailer, or pole trailer to the department of transportation. The owner may not transfer the license plate and sticker to a trailer, semitrailer, or pole trailer that is added to the fleet.

(9) Applications submitted with fees may be recomputed by the department of transportation. The department of transportation shall furnish a statement showing the overpayment or balance due.

(10) Applications submitted without fees must be computed by the department of transportation. The department of transportation shall furnish a statement showing the amount of fees due.""

Insert: "COORDINATION SECTION. **Section 160. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 159] of Senate Bill No. 285, amending 61-4-111, is void and [section 104 of this act], amending 61-4-111, must be amended as follows:

"61-4-111. Used motor vehicles -- transfer to and from dealers. (1) Except as provided in 61-4-124(6), a licensed dealer, broker, or wholesaler who intends to resell a used motor vehicle and who operates the vehicle only for demonstration purposes:

(a) is exempt from registration under ~~61-3-201(2)~~ 61-3-302(3) when applying for a certificate of title; and

(b) may transfer or receive ownership of a motor vehicle by use of a dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title has been completed, ownership of the vehicle may not be transferred until an application for a certificate of title has been submitted by the dealer to the department and a new certificate of title has been issued.

(2) Upon the transfer of a used motor vehicle or trailer to a person other than a licensed dealer, broker, or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the used motor vehicle or trailer was transferred if the dealer is an authorized agent, as defined in [section 2 of House Bill No. 671]. In addition, the following acts are required of the dealer on or before the times set forth in this subsection:

~~(a) Prior to delivery of the vehicle to the purchaser, the dealer shall issue a temporary registration permit for the vehicle and affix the temporary registration permit to the vehicle in a manner prescribed by the department. The temporary registration permit issued by the dealer is valid for 20 days from the date of issuance. There must be imprinted on the temporary registration permit in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER". Unless a durable license plate style placard is issued, one copy~~

~~of the temporary registration permit must be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2)(b), and a copy must be retained by the dealer for the dealer's file. If a durable placard is issued, the dealer shall create and retain the relevant records as prescribed by the department. It is unlawful for the dealer to issue more than one 20-day temporary registration permit for each vehicle sale.~~

~~(b)~~ (a) Within ~~4 working~~ 30 calendar days following the date of delivery of the motor vehicle or trailer, the dealer shall forward to the county treasurer of the county where the ~~purchaser resides~~ vehicle is domiciled:

(i) the assigned certificate of title or, if a certificate of title for the motor vehicle or trailer has not been issued in this state, a copy of the then-current registration receipt or certificate in the dealer's possession; and

(ii) an application for a certificate of title executed by the new owner in accordance with the provisions of ~~61-3-221 and 61-3-322~~ 61-3-216 and 61-3-220~~, and~~

~~(iii) a copy of the temporary registration permit affixed to the vehicle by the dealer~~.

~~(c)~~ (b) Transmission of the documents by the dealer to the county treasurer may be accomplished either by personal delivery, ~~or~~ by first-class mail, ~~in which event they are considered to have been delivered at the time of mailing~~ or by electronic means, as authorized by the department.

~~(d)~~ (c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the time set forth in subsection ~~(2)(b)~~ (2)(a) because the certificate of title is lost, is in the possession of third parties, or is in the process of reissuance in this state or elsewhere, the dealer shall comply in all other respects with the provisions of subsection ~~(2)(b)~~ (2)(a) and shall forward the missing document or documents to the county treasurer, either personally or by first-class mail, within 3 days after receipt.

(3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle or trailer is considered to have passed to the purchaser as of the date of the delivery of the motor vehicle or trailer to the purchaser by the dealer, and the dealer has no further liability or responsibility with respect to the processing of registration.

(4) Upon receipt from the county treasurer of the documents required under subsection (2), the department shall:

(a) update the electronic record of the title maintained by the department under 61-3-101; or

(b) issue a certificate of title if requested under 61-3-216(2)(f); and

(c) comply with the applicable provisions of Title 61, chapter 3, parts 1 through 3.

~~(5) For purposes of this section, "motor vehicle" includes a trailer as defined in 61-1-111.~~""

Insert: "COORDINATION SECTION. **Section 161. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 160] of Senate Bill No. 285, amending 61-4-112, is void and [section 105 of this act], amending 61-4-112, must be amended as follows:

"61-4-112. New motor vehicles -- transfers by dealers. (1) (a) When a motor vehicle dealer transfers a new motor vehicle to a purchaser or other recipient, the dealer shall:

~~(a) issue and affix a temporary registration permit, as prescribed in 61-4-111(2)(a), for transfers of used motor vehicles and retain a copy of the temporary registration permit or, if a durable license-plate style placard is issued, affix the placard and create and retain all other relevant records prescribed by the department;~~

~~(b)~~ within ~~4 working~~ 30 calendar days following the date of delivery of the new motor vehicle, forward to the county treasurer of the county where the ~~purchaser or recipient resides~~ motor vehicle is domiciled:

~~(i) one copy of the temporary registration permit issued under subsection (1)(a) or a copy of the information described in the records concerning a placard;~~

~~(ii)~~(i) an application for a certificate of title with a notice of security interest, if any, executed by the purchaser or recipient; and

~~(iii)~~(ii) a manufacturer's certificate of origin that shows that the motor vehicle has not previously been registered or owned, except as otherwise provided in this section, by any person other than a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

(b) If the dealer is an authorized agent, as defined in [section 2 of House Bill No. 671], a temporary registration permit may be issued under 61-3-224 to the person to whom the new motor vehicle was transferred.

(2) Upon receipt from the county treasurer of the documents required under subsection (1), the department shall issue a certificate of title if requested under 61-3-216(2)(f) and otherwise comply with the provisions of Title 61, chapter 3, parts 1 through 3, as applicable.""

Insert: "COORDINATION SECTION. **Section 162. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 178] of Senate Bill No. 285, amending 61-4-310, is void."

Insert: "COORDINATION SECTION. **Section 163. Coordination**

instruction. If House Bill No. 192 and [this act] are both passed and approved, then 61-5-114 must be amended as follows:

"61-5-114. ~~Duplicate licenses~~ Replacement license or permit. (1) If an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed or a person wants to update personal information contained on an instruction permit or a driver's license issued to the person, the person to whom ~~it~~ the permit or license was issued may, upon the payment of a fee of $10, obtain a ~~duplicate or substitute~~ replacement permit or license, upon furnishing proof satisfactory to the department that the permit or license has been lost or destroyed or that personal information has changed.

(2) If the hazardous materials endorsement on a commercial driver's license issued under the provisions of this chapter is revoked or removed pursuant to the authority provided in [section 2 of House Bill No. 192], the person to whom the license was issued shall surrender to the department the person's commercial driver's license with the hazardous materials endorsement and may obtain, upon making application and paying a $10 fee, a replacement license that does not include a hazardous materials endorsement.""

Insert: "COORDINATION SECTION. **Section 164. Coordination instruction.** If House Bill No. 102, House Bill No. 192, Senate Bill No. 285, and [this act] are all passed and approved then [section 165 of this act] is void and [section 22] of House Bill No. 192, amending 61-5-121, [section 191] of Senate Bill No. 285, amending 61-5-121, and [section 114 of this act], amending 61-5-121, are all void and [section 10] of House Bill No. 102, amending 61-5-121, is amended as follows:

"61-5-121. Disposition of fees. (1) ~~The~~ Except as provided in subsection (3), the disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and ~~duplicate~~ replacement driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 22.3% of each driver's license fee, 18.25% of each commercial driver's license fee, and 25% of each ~~duplicate~~ replacement driver's license fee must be deposited into an account in the state special revenue fund. ~~The~~ Upon receiving an appropriation, the department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee, 2.5% of each commercial driver's license fee, and 3.75% of each ~~duplicate~~ replacement driver's license fee

must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state general fund.

(d) The amount of 20.7% of each driver's license fee, 16.94% of each commercial driver's license fee, and 8.75% of each ~~duplicate~~ replacement driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), ~~the amount of 54.5% of each driver's license fee and 62.5% of each duplicate driver's license fee~~ the remainder of each driver's license fee, each commercial driver's license fee, and each replacement driver's license fee must be deposited into the state general fund.

~~(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.~~

~~(g)~~ (f) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit all remaining fees to the state for deposit ~~to the department of revenue all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees~~ as provided in subsections (1)(a) and (1)(d) through ~~(1)(g)~~ (1)(f).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the~~

~~account in the state special revenue fund as provided in subsection (1)(a) the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall~~ deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through ~~(1)(g)~~ (1)(f).

(3) The fee for a renewal notice, whether collected by a county treasurer, an authorized agent, or the department, must be remitted to the department for deposit in the state general fund.""

Insert: "COORDINATION SECTION. **Section 165. Coordination instruction.** If House Bill No. 102, Senate Bill No. 285, and [this act] are all passed and approved, then [section 191] of Senate Bill No. 285, amending 61-5-121, and [section 114 of this act], amending 61-5-121, are void and [section 10] of House Bill No. 102, amending 61-5-121, is amended as follows:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

~~(a) The amount of 22.3% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.~~

~~(b)~~ (a) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection ~~(1)(b)(i)~~ (1)(a)(i) must be deposited into the state general fund.

~~(c)~~ (b) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection ~~(1)(c)(i)~~ (1)(b)(i) must be deposited into the state general fund.

~~(d)~~ (c) The amount of 20.7% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

~~(e)~~ (d) In addition to the amounts deposited pursuant to subsections ~~(1)(b)(ii)~~ (1)(a)(ii) and ~~(1)(c)(ii)~~ (1)(b)(ii), the amount of ~~54.5%~~ 76.8% of each driver's license fee and ~~62.5%~~

87.5% of each duplicate driver's license fee must be deposited into the state general fund.

~~(f)~~ (e) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

~~(g)~~ (f) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections ~~(1)(b)(i)~~ (1)(a)(i) and ~~(1)(c)(i)~~ (1)(b)(i) into the county general fund. The county treasurer or agent shall then remit all remaining fees to the state for deposit ~~to the department of revenue all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees~~ as provided in subsections ~~(1)(a) and (1)(d) through (1)(g)~~ (1)(c) through (1)(f).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a) the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall~~ deposit the fees as provided in subsections ~~(1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)~~ (1)(a)(ii), (1)(b)(ii), and (1)(c) through (1)(f)."

Insert: "COORDINATION SECTION. **Section 166. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 192] of Senate Bill No. 285, amending 61-5-208, is void."

Insert: "COORDINATION SECTION. **Section 167. Coordination instruction.** If Senate Bill No. 285 and [this act] are both passed and approved, then [section 124 of this act], amending 76-2-302, is void."

Renumber: subsequent section

- END -

2005 Montana Legislature

About Bill -- Links

61-3-464, 61-3-474, 61-3-479, 61-3-481, 61-3-501, 61-3-503, 61-3-520, 61-3-522, 61-3-527, 61-3-529, 61-3-535, 61-3-560, 61-3-561, 61-3-562, 61-3-701, 61-3-707, 61-3-721, 61-4-101, 61-4-102, 61-4-111, 61-4-112, 61-4-121, 61-4-222, 61-4-223, 61-4-310, 61-5-103, 61-5-111, 61-5-114, 61-5-115, 61-5-121, 61-5-206, 61-5-208, 61-8-442, 61-10-222, 61-11-102, 61-11-105, 61-11-204, 61-11-210, 76-2-202, AND 76-2-302, MCA; REPEALING SECTIONS 15-16-202, 61-3-207, 61-3-209, 61-3-342, AND 61-3-526, MCA; AND PROVIDING EFFECTIVE DATES.

AN ACT GENERALLY REVISING THE MOTOR VEHICLE LAWS; AUTOMATING AND SIMPLIFYING THE PROCESS FOR ISSUANCE OF TEMPORARY REGISTRATION PERMITS; STANDARDIZING THE LENGTH OF TEMPORARY REGISTRATION PERMITS AND THE GRACE PERIOD FOR TITLING OR REGISTERING A NEWLY ACQUIRED VEHICLE; IMPOSING A $3 FEE FOR ISSUANCE OF CERTAIN TEMPORARY REGISTRATION PERMITS; IMPOSING A $8 FEE FOR ISSUANCE OF A TEMPORARY REGISTRATION PERMIT TO A NONRESIDENT OR TO A PERSON VIA THE SECURE ELECTRONIC APPLICATION; AUTHORIZING CERTAIN PERSONS TO ELECTRONICALLY UPDATE DEPARTMENT RECORDS VIA AUTHORIZED AGENT AGREEMENTS; SETTING THE STANDARDS FOR AUTHORIZED AGENTS, INCLUDING MAXIMUM ALLOWABLE SERVICE OR CONVENIENCE FEES CHARGEABLE BY AUTHORIZED AGENTS; AUTHORIZING CERTAIN HEALTH CARE PROVIDERS TO ISSUE TEMPORARY DISABLED PARKING PLACARDS AND ELECTRONICALLY SUBMIT DISABLED PARKING PLACARD APPLICATION ON BEHALF OF A PATIENT; ELIMINATING CERTIFICATES OF OWNERSHIP FOR CERTAIN MANUFACTURED HOMES AND FOR MOBILE HOMES AND HOUSETRAILERS; REVISING AND CLARIFYING BUSINESS PROCESSES FOR REGISTERING AND RENEWING THE REGISTRATION OF CERTAIN VEHICLES; REVISING AND CLARIFYING CERTAIN PROVISIONS FOR ISSUANCE AND TRANSFER OF LICENSE PLATES; REVISING AND CLARIFYING SPECIAL MOBILE EQUIPMENT AND SINGLE MOVEMENT PERMITS; CLARIFYING TYPES OF VEHICLES DEALERS; REVISING COLLECTION OF DRIVER'S LICENSE FEES AND CERTAIN FUND TRANSFERS; REVISING AND CLARIFYING DRIVER RECORDS AND RECORDKEEPING REQUIREMENTS; CLARIFYING ADMINISTRATIVE HEARING PROCESS FOR CERTAIN DRIVER'S LICENSE SUSPENSIONS; AMENDING SECTIONS 7-14-112, 10-3-1307, 15-1-101, 15-1-116, 15-1-117, 15-1-121, 15-1-122, 15-8-201, 15-8-202, 15-15-201, 15-24-301, 15-24-302, 19-6-709, 23-1-105, 23-2-502, 23-2-511, 23-2-513, 23-2-515, 23-2-616, 23-2-619, 23-2-818, 49-4-301, 49-4-302, 49-4-303, 49-4-304, 49-4-305, 61-1-104, 61-1-111, 61-1-501, 61-1-508, 61-1-513, 61-1-603, 61-3-107, 61-3-109, 61-3-201, 61-3-203, 61-3-212, 61-3-217, 61-3-218, 61-3-220, 61-3-224, 61-3-301, 61-3-302, 61-3-303, 61-3-311, 61-3-312, 61-3-313,

61-3-314, 61-3-315, 61-3-316, 61-3-317, 61-3-321, 61-3-322, 61-3-324, 61-3-325, 61-3-331, 61-3-332, 61-3-333, 61-3-334, 61-3-335, 61-3-345, 61-3-347, 61-3-401, 61-3-402, 61-3-403, 61-3-407, 61-3-412, 61-3-415, 61-3-421, 61-3-422, 61-3-425, 61-3-426, 61-3-431, 61-3-433, 61-3-446, 61-3-456, 61-3-458, 61-3-463, 61-3-464, 61-3-474, 61-3-479, 61-3-481, 61-3-501, 61-3-503, 61-3-520, 61-3-522, 61-3-527, 61-3-529, 61-3-535, 61-3-560, 61-3-561, 61-3-562, 61-3-701, 61-3-707, 61-3-721, 61-4-101, 61-4-102, 61-4-111, 61-4-112, 61-4-121, 61-4-222, 61-4-223, 61-4-310, 61-5-103, 61-5-111, 61-5-114, 61-5-115, 61-5-121, 61-5-206, 61-5-208, 61-8-442, 61-10-222, 61-11-102, 61-11-105, 61-11-204, 61-11-210, 76-2-202, AND 76-2-302, MCA; REPEALING SECTIONS 15-16-202, 61-3-207, 61-3-209, 61-3-342, AND 61-3-526, MCA; AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Customer service accounts -- electronic updates or changes to motor vehicle or driver records. (1) The department may provide secure electronic applications to permit a person, for specific purposes and as determined by the department, to access or update:

(a) an electronic record of title or registration for any vehicle registered to that person; or

(b) an electronic individual Montana driving record for that person.

(2) Purposes for which a person may access or update an electronic record of title or registration for a vehicle registered to or acquired by the person may include but are not limited to:

(a) issuing a temporary registration permit for a newly acquired vehicle;

(b) renewing vehicle registration on an annual or periodic basis;

(c) updating or changing personal information, including residence or mailing addresses; and

(d) changing the anniversary date and registration period for a vehicle registered to the person.

(3) Purposes for which a person may access or update an electronic individual Montana driving record for that person may include but are not limited to the following:

(a) updating or changing personal information, including residence or mailing addresses;

(b) obtaining a copy of the person's individual Montana driving record;

(c) paying a reinstatement fee owed to the department; and

(d) applying for a replacement driver's license.

Section 2. Definitions. (1) In this title, unless the context otherwise requires, the following definitions apply:

(a) "Authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the department's motor vehicle

titling, registration, or driver records, using an approved automated interface, for specific functions or purposes upon behalf of a third party.

(b) "Authorized agent agreement" means the written agreement executed between an authorized agent and the department that sets the technical and operational program standards, compliance criteria, payment options, and service expectations by which the authorized agent must operate in performing specific motor vehicle or driver-related record functions.

(c) "County where a vehicle is domiciled" means the county in which the vehicle owner permanently resides or, if a vehicle is owned by a corporation or is leased or used for commercial purposes, the county in which the vehicle is permanently assigned or most frequently used, dispatched, or controlled.

(2) For purposes of this section, "person" means an individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, another state government, the United States, a political subdivision of this or another state, or any other legal or commercial entity.

Section 3. Services that may be performed by authorized agent. (1) The department may authorize a person to perform, on the department's behalf, specific motor vehicle titling, registration, or driver licensing functions assigned to or administered by the department under Title 23, chapter 2, parts 5, 6, and 8 or this title. The authorization must be evidenced by an authorized agent agreement.

(2) An authorized agent must meet all of the requirements established by the department.

(3) An authorized agent shall submit to the department or its designee all statutorily prescribed fees, taxes, or penalties the authorized agent collects.

(4) (a) Except where specifically prohibited by statute or the authorized agent agreement, in addition to statutorily prescribed fees, taxes, and penalties, an authorized agent may collect and retain a reasonable convenience fee for services provided.

(b) If an authorized agent is a municipal or county officer, the convenience fee may be charged and collected as permitted under 7-5-2133 or 7-5-4125.

(5) The department may provide an automated mechanism to ensure that any statutorily prescribed fee, tax, or penalty collected by an authorized agent or a county treasurer in a county other than the county where a vehicle is domiciled is transferred to the county treasurer of the county where the vehicle is domiciled.

(6) As used in this section, "person" has the meaning provided in [section 2].

Section 4. Payment of fees by credit card or other commercially acceptable means. (1) The department may accept payment of any fee, tax, or penalty that the department administers by credit card, debit

card, electronic funds transfer, or other commercially acceptable means.

(2) (a) If the payment is made by credit card, debit card, charge card, or similar method, the liability is not discharged and the person has not paid the tax, fee, or penalty until the department, its authorized agent, or the county treasurer receives payment or credit from the financial institution or credit card company responsible for making the payment or credit and as long as the payment or credit is not subsequently charged back to the state by the financial institution or credit card company. Upon receipt of the payment or credit, the amount is considered paid on the date on which the charge was made by the person unless the payment or credit is subsequently charged back to the department, its authorized agent, or the county treasurer by the financial institution or credit card company.

(b) Upon notice of nonpayment, the department may charge the person who attempted the payment of the fee, tax, or penalty an additional fee not to exceed the costs of processing the claim for payment of the fee, tax, or penalty. The amount of the additional fee must be added to the fee, tax, or penalty due and must be collected in the same manner as the fee, tax, or penalty due.

(3) A person making a payment pursuant to this section shall pay any fee required by a financial institution or credit card company for the payment method used.

Section 5. Motor vehicle electronic commerce operating account. (1) There is a motor vehicle electronic commerce operating account of the enterprise fund type as provided in 17-2-102.

(2) Fees imposed for issuance of a temporary registration permit under 61-3-224 must be deposited in the account.

(3) The money in the motor vehicle electronic commerce operating account must be used by the department to pay costs directly incurred in the operation, maintenance, and enhancement of electronic commerce applications, including but not limited to payments to third-party vendors who provide services to support the applications.

Section 6. Address of record -- basis for change -- acknowledgment of current address and service -- national change of address program. (1) (a) Whenever a person completes and submits a department-prescribed form, application, or similar document to the department, an authorized agent, or a county treasurer under Title 23 or this title or whenever a person is issued a notice to appear for a violation of a statute or a municipal ordinance regulating the operation of motor vehicles on highways, the person shall provide the person's current address on the form, application, or similar document or to the peace officer issuing the notice to appear.

(b) By manually or digitally signing the prescribed form, application, or similar document authorizing the

electronic submission of the document to the department or providing the information to a peace officer, the person acknowledges that:

(i) the address is correct;

(ii) subject to the provisions of subsection (2)(b), any official notice from the department, including an order of suspension or revocation or mail renewal notice, must be sent by prepaid first-class mail to the most recent address on:

(A) the signed form, application, or similar document; or

(B) if a conviction or bond forfeiture resulting from the notice to appear that was issued, the notice to appear; and

(iii) subject to the provisions of subsection (2)(b), the notice from the department must be considered to have been accepted by the person at that address.

(2) (a) The department may contract with the United States postal service or an authorized agent to use the national change of address system for the purpose of obtaining current address information for a person whose name appears in a motor vehicle or driver record maintained by the department.

(b) If the department receives information from the national change of address system that indicates that a person whose name appears in a record has moved to another address, the department may update its records to include the new address and, after that date or until the person notifies the department, use the new address to correspond with or notify the person by first-class mail.

Section 7. Section 7-14-112, MCA, is amended to read:

"7-14-112. Senior citizen and persons with disabilities transportation services account -- use. (1) There is a senior citizen and persons with disabilities transportation services account in the state special revenue fund. Money must be deposited in the account pursuant to ~~61-3-321(6)(a)~~ 61-3-321(5)(a).

(2) Except as provided in subsection (6), the account must be used to provide operating funds to counties, incorporated cities and towns, transportation districts, or nonprofit organizations for transportation services for persons 60 years of age or older and for persons with disabilities.

(3) (a) Subject to the conditions of subsection (3)(b), the department of transportation is authorized to award grants to counties, incorporated cities and towns, transportation districts, and nonprofit organizations for transportation services using guidelines established in the state management plan for the purposes described in 49 U.S.C. 5310 and 5311.

(b) Priority for awarding grants must be determined according to the following factors:

(i) the most recent census or federal estimate of persons 60 years of age or older and persons with disabilities in the area served by a county, incorporated city or town, transportation district, or nonprofit

organization;

(ii) the annual number of trips provided by the transportation provider to persons 60 years of age or older and to persons with disabilities in the transportation service area;

(iii) the ability of the transportation provider to provide matching money in an amount determined by the department of transportation; and

(iv) the coordination of services as required in subsection (5).

(4) The department of transportation shall ensure that the available funding is distributed equally among the five transportation districts provided in 2-15-2502.

(5) In awarding grants, the department of transportation shall give preference to proposals that:

(a) include the establishment of a transit authority to coordinate service area or regional transportation services;

(b) address and document the transportation needs within the community, county, and service area or region;

(c) identify all other transportation providers in the community, county, and service area or region;

(d) explain how services are going to be coordinated with the other transportation providers in the service area or region;

(e) indicate how services are going to be expanded to meet the unmet needs of senior citizens and disabled persons within the community, county, and service area or region who are dependent upon public transit;

(f) include documentation of coordination with other local transportation programs within the community, county, and service area or region, including:

(i) utilization of existing resources and equipment to maximize the delivery of service; and

(ii) the projected increase in ridership and expansion of service;

(g) invite school districts to participate or be included in the transportation coordination efforts within the community, county, and service area or region; and

(h) at a minimum, comply with the provisions in subsections (5)(b) through (5)(f).

(6) Any amount of money remaining after grants have been awarded to transportation providers who provide transportation services for persons 60 years of age or older and persons with disabilities may be awarded to other transportation providers for operating costs for the purposes described in 49 U.S.C. 5311 other than for transportation services for persons 60 years of age or older or persons with disabilities."

Section 8. Section 10-3-1307, MCA, is amended to read:

"10-3-1307. Responsibilities of department of transportation -- assessment and collection of fees -- issuance of permits -- inspection of motor carriers. (1) After receiving notification from the person or entity

that plans to ship high-level radioactive waste or transuranic waste through the state, the department of transportation shall assess fees according to the following schedule:

(a) a fee of $2,500 must be assessed for each cask designed for transport by truck; and

(b) a fee of $4,500 must be assessed for the first cask designed for transport by rail and a fee of $3,000 for each additional cask designed for transport by rail that is shipped by the same person or entity in the same shipment.

(2) Payment of the fees provided in subsection (1) is the responsibility of the person or entity who owns the waste.

(3) Upon receipt of the fees provided in subsection (1), the department of transportation shall issue to the owner of the waste a permit that must be carried with the waste as it is traveling through the state.

(4) The department of transportation shall deposit all of the fees collected under this section in the radioactive waste transportation monitoring, emergency response, and training account created in 10-3-1304.

(5) If the waste is to be transported through the state by motor carrier, the department of transportation shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services division.

(6) This section does not exempt the operator of a motor carrier from any of the provisions of Title 61, chapter 10, from Title 69, chapter 12, or from any other law that applies to the operation of motor vehicles in Montana.

(7) Fees under this section must be assessed regardless of ownership, and ~~61-3-321(5)~~ 61-3-321(4) and 61-10-127 do not apply."

Section 9. Section 15-1-101, MCA, is amended to read:

"15-1-101. Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, biological control insects, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and the profit margin shown in national appraisal guides and manuals or the valuation schedules of the department.

(d) (i) The term "commercial", when used to describe property, means property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except property

described in subsection (1)(d)(ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes and manufactured homes used exclusively as a residence except when held by a distributor or dealer as stock in trade; and

(E) all property described in 15-6-135.

(e) The term "comparable property" means property that:

(i) has similar use, function, and utility;

(ii) is influenced by the same set of economic trends and physical, governmental, and social factors; and

(iii) has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) (i) "Department", except as provided in subsection (1)(g)(ii), means the department of revenue provided for in 2-15-1301.

(ii) In chapters 70 and 71, department means the department of transportation provided for in 2-15-2501.

(h) The terms "gas" and "natural gas" are synonymous and mean gas as defined in 82-1-111(2). The terms include all natural gases and all other fluid hydrocarbons, including methane gas or any other natural gas found in any coal formation.

(i) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department determines that the permanency of location of a mobile home, manufactured home, or housetrailer has been established, the mobile home, manufactured home, or housetrailer is presumed to be an improvement to real property. A mobile home, manufactured home, or housetrailer may be determined to be permanently located only when it is attached to a foundation that cannot feasibly be relocated and only when the wheels are removed.

(j) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification, and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on leasehold improvements are a lien only on the leasehold improvements.

(k) The term "livestock" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

(l) (i) The term "manufactured home" means a residential dwelling built in a factory in accordance with the

United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards.

(ii) A manufactured home does not include a mobile home, as defined in ~~61-1-501 and in~~ subsection (1)(m) ~~of this section, a housetrailer, as defined in 61-1-501~~, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(m) The term "mobile home" means forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

(n) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements" and "intangible personal property" as that term is defined in 15-6-218.

(o) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(p) The term "property" includes money, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition may not be construed to authorize the taxation of the stocks of a company or corporation when the property of the company or corporation represented by the stocks is within the state and has been taxed.

(q) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8;

(iii) all timber belonging to individuals or corporations growing or being on the lands of the United States; and

(iv) all rights and privileges appertaining to mines, minerals, quarries, and timber.

(r) "Recreational" means hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling.

(s) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(t) The term "stock in trade" means any mobile home, manufactured home, or housetrailer that is listed by the dealer as inventory and that is offered for sale, is unoccupied, and is not located on a permanent foundation.

Inventory does not have to be located at the business location of a dealer or a distributor.

(u) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" includes a county, city, incorporated town, township, school district, irrigation district, or drainage district or a person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification means the state tax appeal board."

Section 10. Section 15-1-116, MCA, is amended to read:

"15-1-116. Manufactured home considered as improvement to real property -- requirements. (1) A manufactured home will be considered for tax purposes an improvement to real property if:

(a) the running gear is removed; and

(b) the manufactured home is attached to a permanent foundation on land that is owned or being purchased by the owner of the manufactured home or, if the land is owned by another person, with the permission of the landowner.

(2) To eliminate a manufacturer's certificate of origin properly assigned to an owner or a certificate of title of a manufactured home, an owner may file a statement of intent on a form furnished by the department of justice.

(3) The statement of intent must include:

(a) the serial number of the manufactured home;

(b) the legal description of the real property to which the manufactured home has been permanently attached;

(c) a description of any security interests in the manufactured home; and

(d) approval from all lienholders of the intent to eliminate the certificate of title.

(4) (a) The owner shall present the statement of intent to the county treasurer of the county in which the manufactured home is located and shall surrender the certificate of title. ~~Upon payment of the fee required in 61-3-203, the county treasurer shall:~~

~~(i) enter the transfer of interest on the electronic record of title;~~

~~(ii) issue the owner a transaction summary receipt; and~~

~~(iii) forward the statement of intent and the surrendered certificate of title to the department of justice.~~

(b) The county treasurer may not issue ~~the~~ a receipt unless all taxes, interest, and penalties on the manufactured home have been paid in full. ~~The county treasurer shall remit the fee to the department for deposit in the state general fund.~~

(5) Upon the recording of the statement of intent and the receipt of surrender, the manufactured home may not be physically removed without the consent of all persons who have an interest in the manufactured home.

(6) A manufactured home that has been declared an improvement to real property in accordance with this section must be treated by the department and by lending institutions in the same manner as any other residence that is classified as an improvement."

Section 11. Section 15-1-117, MCA, is amended to read:

"15-1-117. Reversal of declaration -- exception. (1) Before a manufactured home can be physically removed from its location, the owner shall obtain a search of the title to the land from a title insurance company in order to identify those persons or entities whose consent for removal must be obtained. The owner shall obtain permission in writing from the affected persons or entities before removing the manufactured home from its location.

(2) At least 30 days before the manufactured home is removed, the owner shall give written notice to the department and the county treasurer in which the home is currently located of the intended removal of the home. The written notice must include the written consents of the affected persons or entities identified in subsection (1). The owner may not remove the home until the written consents are received and all of the taxes that have been assessed have been paid in full to the county treasurer, as evidenced by issuance of a tax-paid receipt allowing movement of the manufactured home under 15-24-206.

~~(3) Within 5 days of the removal of the home, the purchaser shall make a declaration of reversal and apply for a certificate of title for the manufactured home from the department of justice in accordance with the provisions of Title 61, chapter 3, part 2.~~"

Section 12. Section 15-1-121, MCA, is amended to read:

"15-1-121. Entitlement share payment -- appropriation. (1) The amount calculated pursuant to this subsection is each local government's base entitlement share. The department shall estimate the total amount of revenue that each local government received from the following sources for the fiscal year ending June 30, 2001:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle and boat taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;

(x) 61-10-148; and

(xi) 67-3-205;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

(iii) 25-1-1103;

(iv) 25-9-506;

(v) 25-9-804; and

(vi) 27-9-103;

~~(e) certificate of title fees for manufactured homes pursuant to 15-1-116;~~

(e) certificate of title fees for manufactured homes pursuant to 15-1-116;

~~(f)~~(f) financial institution taxes pursuant to Title 15, chapter 31, part 7;

~~(g)~~(g) coal severance taxes allocated for county land planning pursuant to 15-35-108;

~~(h)~~(h) all beer, liquor, and wine taxes pursuant to:

(i) 16-1-404;

(ii) 16-1-406; and

(iii) 16-1-411;

~~(i)~~(i) late filing fees pursuant to 61-3-220;

~~(j)~~(j) title and registration fees pursuant to 61-3-203;

~~(k)~~(k) veterans' cemetery license plate fees pursuant to 61-3-459;

~~(l)~~(l) county personalized license plate fees pursuant to 61-3-406;

~~(m)~~(m) special mobile equipment fees pursuant to 61-3-431;

~~(n)~~(n) single movement permit fees pursuant to 61-4-310;

~~(o)~~(o) state aeronautics fees pursuant to 67-3-101; and

~~(p)~~(p) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.

(2) (a) From the amounts estimated in subsection (1) for each county government, the department shall deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by the state in fiscal year 2002.

(b) The amount estimated pursuant to subsections (1) and (2)(a) is each local government's base year component. The sum of all local governments' base year components is the base year entitlement share pool. For the purpose of calculating the sum of all local governments' base year components, the base year component for a local government may not be less than zero.

(3) (a) ~~Beginning with fiscal year 2002 and in~~ In each ~~succeeding~~ fiscal year, the base year entitlement share pool must be increased annually by a growth rate as provided for in this subsection (3). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year. ~~For fiscal year 2002, the growth rate is 3%. For fiscal year 2003, the growth rate is 3% for incorporated cities and towns, 1.61% for counties, and 2.3% for consolidated local governments. Beginning with calendar year 2002, by~~ By October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:

~~(i) Before applying the growth rate for fiscal year 2004 to determine the fiscal year 2004 entitlement share pool, the department shall add to the fiscal year 2003 entitlement share pool the fiscal year 2003 amount of revenue actually distributed to the county from the 25-cent marriage license fee in 50-15-301 and the probation and parole fee in 46-23-1031(2)(b).~~

~~(ii)~~(i) The department shall calculate the average annual growth rate of the Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection ~~(3)(a)(ii)(A)~~ (3)(a)(i)(A).

~~(iii)~~(ii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection ~~(3)(a)(iii)(A)~~ (3)(a)(ii)(A).

(b) (i) For ~~fiscal year 2004 and subsequent~~ each fiscal ~~years~~ year, the entitlement share pool growth rate for the first year of the biennium must be the following percentage of the average of the growth rates calculated in subsections ~~(3)(a)(ii)(B)~~ (3)(a)(i)(B) and ~~(3)(a)(iii)(B)~~ (3)(a)(ii)(B):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(ii) The entitlement share pool growth rate for the second year of the biennium must be the following percentage of the average of the growth rates calculated in subsections ~~(3)(a)(ii)(A)~~ (3)(a)(i)(A) and ~~(3)(a)(iii)(A)~~ (3)(a)(ii)(A):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(4) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (6). For purposes of calculating the base year component for a county or consolidated local government, the department shall include the revenue listed in subsection (1) for all special districts within the county or consolidated local government. The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources listed in subsection (1).

(5) (a) The entitlement share pools calculated in this section and the block grants provided for in subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. Each local government is entitled to a pro rata share of each year's entitlement share pool based on the local government's base component in relation to the base year entitlement share pool. The distributions must be made on a quarterly basis ~~beginning September 15, 2001~~.

(b) (i) ~~For fiscal year 2002, the growth amount is the difference between the fiscal year 2002 entitlement share pool and the base year entitlement share pool. For fiscal year 2002, a county may have a negative base year component.~~ For ~~fiscal year 2003 and~~ each ~~succeeding~~ fiscal year, the growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. For the purposes of subsection (5)(b)(ii)(A), a county with a negative base year component has a base year component of zero. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the base year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the base year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the base year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool not represented by the growth amount is distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

~~(vi) For fiscal year 2002, an amount equal to the district court costs identified in subsection (2) must be added to each county government's distribution from the entitlement share pool.~~

~~(vii) For fiscal year 2002, an amount equal to the district court fees identified in subsection (1)(d) must be subtracted from each county government's distribution from the entitlement share pool.~~

(6) (a) If a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any block grant. If a tax increment financing district referred to in subsection (6)(b) terminates, then the block grant provided for in subsection (6)(b) terminates.

(b) One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and the

other half by May 31 of each year. Subject to subsection (6)(a), the entitlement share for tax increment financing districts is as follows:

Cascade Great Falls - downtown &# 160; $468,966

Deer Lodge TIF District 1 □ 60; & #160; 3,148

Deer Lodge TIF District 2 □ 60; & #160; 3,126

Flathead Kalispell - District 1 □ 60; & #160;758,359

Flathead Kalispell - District 2 □ 60; & #160;5,153

Flathead Kalispell - District 3 □ 60; & #160;41,368

Flathead Whitefish District □ 0; &# 160; 164,660

Gallatin Bozeman - downtown &# 160; 34,620

Lewis and Clark Helena - #2 &# 160; 731,614

Missoula Missoula - 1-1B & 1-1C 1,100,507

Missoula Missoula - 4-1C □ 0; 33,343

Silver Bow Butte - uptown □ 0; &# 160; 283,801

Yellowstone Billings □ 60; & #160; 436,815

(c) The entitlement share for industrial tax increment financing districts is as follows:

~~(i) for fiscal years 2002 and 2003:~~

~~Missoula County -- Airport Industrial -- $4,812~~

~~Silver Bow -- Ramsay Industrial -- 597,594;~~

~~(ii)~~(i) for fiscal ~~years 2004 and~~ year 2005:

Missoula County Airport Industrial &# 160; $2,406

Silver Bow Ramsay Industrial &# 160; 298,797; and

~~(iii)~~(ii) $0 for all succeeding fiscal years.

(d) The entitlement share for industrial tax increment financing districts referred to in subsection (6)(c) may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the tax increment financing industrial district.

(e) One-half of the payments provided for in subsection (6)(c) must be made by July 30, and the other half must be made in December of each year.

(7) The estimated base year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from countywide transportation block grants or from countywide retirement block grants.

(8) The estimates for the base year entitlement share pool in subsection (1) must be calculated as if the fees in Chapter 515, Laws of 1999, were in effect for all of fiscal year 2001.

(9) (a) If revenue that is included in the sources listed in subsections (1)(b) through ~~(1)(p)~~ (1)(p) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share pool beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of revenue.

(b) For the purposes of subsection (9)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year.

(10) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through (3).

(11) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(12) A local government may appeal the department's estimation of the base year component, the entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(13) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1."

Section 13. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, $36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) $75,000 in fiscal year 2003;~~

~~(b)~~(a) $0 in fiscal ~~years 2004 and~~ year 2005;

~~(c)~~(b) $3,050,205 in fiscal year 2006; and

~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or

recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) $2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) $1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and $5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) $1 in fiscal year 2006 and, in each subsequent year, $2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803; and

(ii) for vehicles registered or ~~reregistered~~ for which registration is renewed pursuant to 61-3-321:

(A) $1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and

(B) $1.50 in fiscal year 2006 and, in each subsequent year, $3.65 for each motorcycle and quadricycle; and

(C) $7.50 for each permanently registered light vehicle;

(c) to the department of fish, wildlife, and parks:

(i) $2.50 in fiscal year 2006 and, in each subsequent year, $14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) $5 in fiscal year 2006 and, in each subsequent year, $19 for each snowmobile registered under 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) $1 for each duplicate snowmobile registration decal issued under 23-2-617;

(iv) $5 in fiscal year 2006 and, in each subsequent year, $13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, $3.50 in fiscal year 2006 and, in each

subsequent year, $8 for each recreational vehicle, motor home, and travel trailer registered or ~~reregistered~~ for which registration is renewed and subject to the fee in 61-3-321;

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and

(vii) to the state special revenue fund established in 23-1-105, $4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to ~~61-3-321(11)(a)~~ 61-3-321(10)(a), with $3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;

(d) to the state veterans' cemetery account, provided for in 10-2-603, $10 for each veteran's license plate subject to the fee in 61-3-459;

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:

(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;

(f) 25 cents a year for each registered vehicle and $1.25 for each permanently registered vehicle subject to the fee in ~~61-3-321(6)~~ 61-3-321(5) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;

(g) to the search and rescue account provided for in 10-3-801:

(i) $2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;

(ii) $2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and

(iii) $2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803; and

(h) 50 cents a year for each vehicle subject to the fee in ~~61-3-321(7)~~ 61-3-321(6) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).

(4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or ~~reregistered~~ for which registration is renewed. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state

special revenue in the general appropriations act for the designated purposes."

Section 14. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department shall, between January 1 and the first Monday of August in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county.

(2) The department shall assess property to:

(a) the person by whom it was owned or claimed or in whose possession or control it was at midnight of the preceding January 1; or

(b) except in the case of land splits, the new owner if the provisions of 15-7-304 have been met and the transfer certificate has been received and processed prior to determining the taxes that are due as provided in 15-10-305(2).

(3) The department shall also ascertain and assess all mobile homes arriving in the county after midnight of the preceding January 1.

(4) A mistake in the name of the owner or supposed owner of real property does not invalidate the assessment.

(5) The procedure provided by this section does not apply to:

(a) motor vehicles;

(b) motor homes, travel trailers, and campers;

(c) watercraft, snowmobiles, and off-highway vehicles;

(d) livestock;

(e) property defined in 61-1-104 as special mobile equipment that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment ~~plate~~ decal;

(f) mobile homes and manufactured homes held by a distributor or dealer as stock in trade; and

(g) property subject to the provisions of 15-16-203."

Section 15. Section 15-8-202, MCA, is amended to read:

"15-8-202. Motor vehicle assessment by department of justice. (1) (a) The department of justice shall determine the registration fee on light vehicles in accordance with 61-3-560 through 61-3-562.

(b) For the purposes of the local option vehicle tax under 61-3-537, the department of justice shall assess all light vehicles~~, subject to 61-3-313 through 61-3-316 and 61-3-501, for taxation~~ in accordance with 61-3-503.

(c) The department of justice shall determine the fee in lieu of tax for all buses, trucks having a

manufacturer's rated capacity of more than 1 ton, and truck tractors in accordance with 61-3-528 and 61-3-529.

(d) Taxes, registration fees, or fees in lieu of tax on a motor vehicle under this subsection (1) must be assessed or imposed in each year on the person ~~who owned or claimed the motor vehicles or in whose possession or control the motor vehicle was on the anniversary registration date~~ to whom the vehicle is registered.

~~(2) A tax or fee in lieu of tax may not be assessed or imposed against motor vehicles subject to taxation or to a fee in lieu of tax that constitute inventory of motor vehicle dealers as of January 1. These vehicles and all other motor vehicles subject to taxation or a fee in lieu of tax that are brought into the state after January 1 as motor vehicle dealers' inventories must be assessed to their respective purchasers as of the dates the vehicles are registered by the purchasers.~~

~~(3) "Purchasers" includes dealers who apply for registration or reregistration of motor vehicles.~~

~~(4) Goods, wares, and merchandise of motor vehicle dealers, other than new motor vehicles and new mobile homes, must be assessed at market value as of January 1.~~

~~(5)~~(2) (a) The department of justice is authorized to appear in any proceeding before a county tax appeal board, the state tax appeal board, or a court that seeks to dispute an assessment made by the department pursuant to the authority granted under this section.

(b) For the purposes of proceedings before county tax appeal boards or the state tax appeal board, service of the application required under 15-15-201 must be made on the attorney general. A copy of any application giving rise to a proceeding before a county tax appeal board or the state tax appeal board must also be served on the county treasurer of the county in which the vehicle that is the subject of the proceeding was registered."

Section 16. Section 15-15-201, MCA, is amended to read:

"15-15-201. Motor vehicle tax appeals -- payment and protest of local option taxes or fees in lieu of tax on motor vehicles. (1) (a) A taxpayer who seeks to appeal the imposition of local option taxes on light vehicles or fees in lieu of tax assessed against a motor vehicle and imposed by the department of justice under authority of 15-8-202 shall file a written application for the appeal not later than 30 days after ~~the anniversary date for reregistration, as determined by 61-3-315, of the vehicle that is the subject of the appeal~~ receipt of the mail renewal notice from the department as provided in 61-3-535. The application must be on a form prescribed by the department of justice in consultation with the state tax appeal board.

(b) The application must include a specific explanation of the basis for the taxpayer's appeal. The basis for appeal must be related to the factors to be considered and applied by the department of justice under 61-3-503, 61-3-506, 61-3-528, and 61-3-529.

(2) (a) The treasurer of the county or municipality is not required to deposit local option vehicle taxes or fees

in lieu of tax on a motor vehicle paid under protest in the special fund designated as a protest fund as required for property taxes under 15-1-402. The taxes or fees paid under protest may be reported and distributed in the same manner as those received without protest.

(b) If a refund is payable as a result of the taxpayer prevailing in a tax appeal or court proceeding concerning the protested motor vehicle taxes or fees, a refund may be made in accordance with 15-16-603.

(3) (a) A motor vehicle tax appeal may be heard by the county tax appeal board during its next regularly scheduled session if the application for the appeal was filed by December 1. If during its current session, a county tax appeal board refuses or fails to hear a taxpayer's application that was timely filed by December 1, then the taxpayer's application is considered to be granted on the day following the board's final meeting for that year.

(b) A motor vehicle tax appeal filed after December 1 may be held over by the board to a session in the following year. If a taxpayer's application that was timely filed after December 1 of the current session of the county tax appeal board is held over to a session in the following year and if the county tax appeal board refuses or fails to hear the application during the following session, then the application is considered to be granted on the day following the board's final meeting for that year."

Section 17. Section 15-24-301, MCA, is amended to read:

"15-24-301. Personal property brought into the state -- assessment -- exceptions -- custom combine equipment. (1) Except as provided in subsections (2) through (5), property in the following cases is subject to taxation and assessment for all taxes levied that year in the county in which it is located:

(a) personal property, excluding livestock, brought into this state at any time during the year that is used in the state for hire, compensation, or profit;

(b) property whose owner or user is engaged in gainful occupation or business enterprise in the state; or

(c) property that becomes a part of the general property of the state.

(2) The taxes on this property are levied in the same manner, except as otherwise provided, as though the property had been in the county on the regular assessment date, provided that the property has not been regularly assessed for the year in some other county of the state.

(3) This section does not levy a tax against a merchant or dealer within this state on goods, wares, or merchandise brought into the county to replenish the stock of the merchant or dealer.

(4) Except as provided in 15-6-217, a motor vehicle ~~subject to the registration fee imposed by 61-3-560 and 61-3-561~~ that is brought into this state by a nonresident person temporarily employed in Montana and used exclusively for transportation of the person is subject to registration ~~fees as follows:~~

~~(a) The motor vehicle fee is imposed by the county in which it is located~~ under 61-3-701.

~~(b) One-fourth of the annual fee of the motor vehicle must be paid for each quarter or portion of a quarter of the year that the motor vehicle is located in Montana.~~

~~(c) The quarterly fees are due the first day of the quarter.~~

(5) Agricultural harvesting machinery classified under class eight, licensed in another state, and operated on the land of a person other than the owner of the machinery under a contract for hire is subject to a fee in lieu of tax of $35 for each machine for the calendar year in which the fee is collected. The machinery is subject to taxation under class eight only if the machinery is sold in Montana."

Section 18. Section 15-24-302, MCA, is amended to read:

"15-24-302. Collection procedure. All property mentioned in 15-24-301 is assessed at the same value as property of like kind and character, and the assessment, levy, and collection of the tax are governed by the provisions of 15-8-408, 15-16-115, 15-16-119, 15-16-404, 15-17-911, and 15-24-202, except~~:~~

~~(1) the imposition of registration fees on motor vehicles under 15-24-301(4) to the extent that subsection varies from the general provisions cited in this section; and~~

~~(2)~~ livestock taxation governed by 81-7-104 and Title 81, chapter 7, part 2."

Section 19. Section 19-6-709, MCA, is amended to read:

"19-6-709. (Temporary) Supplemental benefits for certain retirees. (1) In addition to any retirement benefit payable under this chapter, a retired member or a survivor determined by the board to be eligible under subsection (2) must receive an annual lump-sum benefit payment beginning in September 1991 and each succeeding year as long as the member remains eligible.

(2) To be eligible for the benefits under this section, a person must be receiving a monthly benefit before July 1, 1991, may not be covered by 19-6-710, and must be:

(a) a retired member who is 55 years of age or older and who has been receiving a service retirement benefit for at least 5 years prior to the date of distribution;

(b) a survivor of a member who would have been eligible under subsection (2)(a); or

(c) a recipient of a disability benefit under 19-6-601 or a survivorship benefit under 19-6-901.

(3) A retired member otherwise qualified under this section who is employed in a position covered by a retirement system under Title 19 is ineligible to receive any lump-sum benefit payments provided for in this section until the member's service in the covered position is terminated. Upon termination of the member's service, the retired member becomes eligible in the next fiscal year succeeding the member's termination.

(4) The amount of fees transferred to the pension trust fund pursuant to 15-1-122(3)(e), ~~61-3-527(4)~~ 61-3-527(3), and 61-3-562(1)(b) must be distributed proportionally as a lump-sum benefit payment to each eligible

recipient based on service credit at the time of retirement, subject to the following:

(a) a recipient under subsection (2)(c) is considered to have 20 years of service credit for the purposes of the distributions;

(b) any recipient of a retirement benefit exceeding the maximum monthly benefit under 19-6-707(2)(a) must have the recipient's service credit reduced 25% for the purposes of the distributions;

(c) the maximum annual increase in the amount of supplemental benefits paid to each individual under this section is the percentage increase for the previous calendar year in the annual average consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the United States department of labor or its successor agency. (Terminates upon death of last eligible recipient--sec. 1, Ch. 567, L. 1991.)"

Section 20. Section 23-1-105, MCA, is amended to read:

"23-1-105. Fees and charges. (1) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is not subject to the deposit requirements of 17-6-105. The department shall deposit money collected under this section within a reasonable time after receipt.

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be

deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection.

(6) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in ~~61-3-321(11)(a)~~ 61-3-321(10)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department."

Section 21. Section 23-2-502, MCA, is amended to read:

"23-2-502. Definitions. As used in this part, unless the context clearly requires a different meaning, the following definitions apply:

(1) "Certificate of number" means the certificate issued by the county treasurer to the owner of a motorboat or by the department of justice to dealers or manufacturers, assigning the motorboat an identifying number and containing other information as required by the department of justice.

(2) "Dealer" means a person who engages in whole or in part in the business of buying, selling, or exchanging new and unused vessels or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade, and display of vessels. A yacht broker is a dealer.

(3) "Department" means the department of fish, wildlife, and parks of the state of Montana.

(4) "Documented vessel" means a vessel that has and is required to have a valid marine document as a vessel of the United States.

(5) "Identifying number" means the boat number set forth in the certificate of number and properly displayed on the motorboat.

(6) "Lienholder" means a person holding a security interest.

(7) "Manufacturer" means a person engaged in the business of manufacturing or importing new and unused vessels or new and unused outboard motors for the purpose of sale or trade.

(8) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

(b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard or any successor federal agency.

(9) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(10) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a motorboat or vessel.

(11) (a) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest in another person, reserved or created by an agreement securing payment or performance of an obligation.

(b) The term does not include a lessee under a lease not intended as security.

(12) "Passenger" means each person carried on board a vessel other than:

(a) the owner or the owner's representative;

(b) the operator;

(c) bona fide members of the crew engaged in the business of the vessel who have not contributed any consideration for their carriage and who are paid for their services; or

(d) a guest on board a vessel that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for the guest's carriage.

(13) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(14) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

(15) "Registration decal" means an adhesive sticker produced by the department of justice and issued by the department of justice, ~~its~~ an authorized agent, as defined in [section 2], or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft as proof of payment of all fees imposed on the motorboat, sailboat, or personal watercraft for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

(16) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

(17) "Security interest" means an interest that is reserved or created by an agreement that secures payment or performance of an obligation and is valid against third parties generally.

(18) "Uniform state waterway marking system" means one of two categories:

(a) a system of aids to navigation to supplement the federal system of marking in state waters;

(b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information and directions.

(19) "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(20) "Waters of this state" means any waters within the territorial limits of this state."

Section 22. Section 23-2-511, MCA, is amended to read:

"23-2-511. Operation of unnumbered motorboats prohibited -- display of registration decal. (1) A motorboat on the waters of this state, propelled by a motor or an engine of any description, must be properly numbered and display a valid registration decal. A person may not operate or give permission for the operation of any motorboat on the waters of this state unless the motorboat is numbered and displays a valid registration decal in accordance with this part and applicable federal law or with a federally approved numbering system of another state and unless:

(a) the certificate of number assigned to the motorboat is in effect;

(b) the identifying number set forth in the certificate of number and the valid license decals are displayed on the motorboat; and

(c) a temporary permit has been obtained from the county in which the boat is being operated if that county requires a temporary permit for out-of-state motorboats, as provided in 7-16-2121.

(2) Upon transfer of ownership of a motorboat from a registered boat dealer or manufacturer, the transferred motorboat may be operated on the waters of this state for ~~30~~ 40 consecutive calendar days immediately following the transfer of ownership without displaying the numbers and registration decal required by subsection (1) if when the motorboat is operated during those ~~30~~ 40 consecutive calendar days, a ~~bill of sale or other evidence of transfer reciting the date of the transfer of ownership is retained in the motorboat~~ temporary registration permit has been issued under 61-3-224 and is exhibited to a warden or other officer upon request."

Section 23. Section 23-2-513, MCA, is amended to read:

"23-2-513. Dealer's or manufacturer's identifying number -- premises -- inspection -- bond -- judgment -- temporary registration permit. (1) A dealer or manufacturer may apply directly to the department of justice for one identifying number and one or more certificates of number. A dealer's or manufacturer's identifying number must be displayed on a dealer's or manufacturer's boat while the boat is operating for a purpose related to the buying, selling, or exchanging of the boat by the dealer or manufacturer.

(2) The application for a dealer's or manufacturer's identifying number must include the dealer's or manufacturer's name and business address. Each dealer or manufacturer must have one identifying number assigned to the dealer's or manufacturer's business.

(3) An application for a dealer's or manufacturer's identifying number and a certificate of number must be accompanied by the following fees:

(a) for the identifying number, first certificate of number, and registration decal, $5;

(b) for each additional certificate of number and registration decal applied for in any application, $2.

(4) The department of justice shall issue certificates of number for the identifying number assigned to a

dealer or manufacturer in the same manner as provided in 23-2-512(1) and (8), except that a boat may not be described in a certificate and each certificate must state that the identifying number has been assigned to a dealer or manufacturer. A dealer's or manufacturer's certificate of number expires on December 31 of the year for which it is issued.

(5) A dealer's or manufacturer's identifying number must be displayed in the same manner as provided in 23-2-512(8), except that the number may be temporarily attached. The last three letters must be "DLR" for dealer and "MFR" for manufacturer. These letters must be included, respectively, in dealer or manufacturer identification numbers.

(6) A person other than a dealer or manufacturer or an employee of a dealer or manufacturer may not display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats owned by the dealer or manufacturer.

(7) A dealer or manufacturer or an employee of a dealer or manufacturer may not use a dealer's or manufacturer's identifying number for any purpose other than the purpose described in subsection (1).

(8) A dealer shall maintain a principal place of business, coinciding with the business address listed on the application, where all business records are maintained and where the dealer displays, sells, and services merchandise. The dealer shall display a sign at the place of business that clearly states the name of the business. The premises of the dealer's principal place of business must be inspected by an official of the department of justice to ensure compliance with this section.

(9) To qualify for renewal of a boat dealer's license, the dealer shall certify to the department of justice, upon application for renewal, that the dealer sold five or more boats during the previous license year. If five or more boats were not sold, an additional fee of $50 is required for renewal of the dealer's license.

(10) (a) The applicant for a boat dealer's license shall file with the application a bond of $5,000. The bond must be conditioned that the applicant will conduct the business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department of justice and filed in its office, and must be renewed annually.

(b) A person who suffers loss or damage because of the unlawful conduct of a dealer licensed under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. The judgment must determine a specific loss or damage amount and conclude that the licensee's unlawful operation caused the loss or damage before payment on the bond is required.

(11) ~~Prior to~~ Within 30 days following the delivery of a motorboat or a sailboat 12 feet in length or longer to a purchaser, the dealer shall ~~issue and affix to a motorboat or a sailboat constructed after October 31, 1972, a temporary registration permit, as defined in 61-1-603~~ forward an application for certificate of title executed by the purchaser and the assigned manufacturer's certificate of origin or certificate of title for the motorboat or sailboat

to the office of the county treasurer in the county where the owner resides. ~~The temporary registration permit expires 30 days after the date of issuance. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.~~ If the dealer is an authorized agent, as defined in [section 2], a temporary registration permit may be issued upon delivery of the motorboat or sailboat to the purchaser in accordance with 61-3-224."

Section 24. Section 23-2-515, MCA, is amended to read:

"23-2-515. Registration decal to be displayed. (1) A Montana motorboat, sailboat, or personal watercraft numbered in accordance with the provisions of 23-2-512 or 23-2-513 must display a registration decal. For this purpose the county treasurer, upon proof of payment of the fee in lieu of tax as required by ~~15-16-202~~ 23-2-517 for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, or personal watercraft, shall issue a registration decal prepared and furnished by the department of justice with all new certificates of number and, if applicable, all renewals of the certificates of number.

(2) (a) The registration decal must be of a style and design prescribed by the department of justice.

(b) The registration decal must be serially numbered.

(c) The registration decals issued for a motorboat or sailboat do not expire while the motorboat or sailboat remains in the same ownership.

(3) A registration decal must be displayed on the left side of the forward half, 3 inches aft of the identifying numbers."

Section 25. Section 23-2-616, MCA, is amended to read:

"23-2-616. Registration and registration decal -- application and issuance -- use of certain fees. (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person unless it has been registered and a registration decal is displayed in a conspicuous place on the left side of the cowl.

(2) (a) A Montana resident who owns a snowmobile operated on public land shall register the snowmobile at the county treasurer's office in the county where the owner resides.

(b) A county treasurer shall register a snowmobile if:

(i) as of the date that the snowmobile is to be registered, the owner delivers or has delivered an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer has confirmed that the department of justice has an electronic record of title for the snowmobile as provided in 61-3-101.

(c) To register a snowmobile, the county treasurer shall update the electronic record of title maintained by

the department of justice, by entering the fees paid and recording any changes to the record.

(3) The owner registering a snowmobile shall pay a registration fee of ~~$6.50 in calendar year 2004 and, in each subsequent year,~~ $20.50 ~~and, if the snowmobile has previously been registered, show the county treasurer the registration receipt for the most recent year in which the snowmobile was registered~~. Upon payment of the proper fees, including the fee in lieu of tax under 23-2-626, the treasurer shall issue a registration receipt that contains information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the application to the department of justice and shall issue to the applicant a registration decal in the style and design prescribed by the department of justice.

(5) The county treasurer may not register a snowmobile under this section unless the applicant has paid the registration fee and the fee in lieu of property tax on the snowmobile as required by ~~15-16-202~~ 23-2-626.

(6) All money collected from payment of registration fees and all interest accruing from use of this money must be forwarded to the department of revenue, as provided in 15-1-504, for deposit in the state general fund.

(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the state general fund.

(8) The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner shall pay the fee in subsection (3)."

Section 26. Section 23-2-619, MCA, is amended to read:

"23-2-619. Dealer registration certificate -- use of fees -- temporary registration permit. (1) (a) Unless the dealer is licensed under the provisions of 61-4-101, a dealer registration certificate must be issued in accordance with 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644.

(b) To qualify as a dealer, the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all snowmobiles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any snowmobile offered for demonstration or loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of snowmobiles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of snowmobiles; and

(v) execute a certificate to the effect that the applicant is a bona fide dealer in snowmobiles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in snowmobiles.

(2) The dealer application must be accompanied by an application fee of $5 and a registration fee of $5. Upon receipt of the dealer application and payment of fees, the dealer must be issued two dealer snowmobile identification cards that must be carried by the dealer or the dealer's customer when demonstrating the dealer's snowmobiles.

(3) (a) A dealer shall file a bond in the amount of $5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before payment on the bond is required, the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of a snowmobile dealer registration shall certify that the applicant has sold five or more snowmobiles during the preceding year or pay an additional $50 renewal registration fee or provide a copy of a written new snowmobile franchise or sales agreement that the applicant has with a manufacturer, importer, or distributor.

(6) Additional dealer snowmobile identification cards as required by need justified to the department of justice may be purchased by the dealer for a fee of $2.

(7) Dealer registration certificates and identification cards expire on June 30 following the date of issuance.

(8) ~~Prior to~~ Within 30 days following the delivery of a snowmobile to the purchaser, the dealer shall ~~issue and affix to the snowmobile a temporary registration permit~~ forward an application for certificate of title, executed

by the purchaser, and the assigned manufacturer's certificate of origin or certificate of title for the snowmobile to the office of the county treasurer for the county in which the owner resides. ~~The temporary registration permit expires 20 days after the date of issuance. The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.~~ If the dealer is an authorized agent, as defined in [section 2], a temporary registration permit may be issued upon delivery of the snowmobile to the purchaser in accordance with 61-3-224.

(9) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the state special revenue fund to the credit of the department, with one-half designated for use in enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and one-half designated for use in the development, maintenance, and operation of snowmobile facilities.

(b) All money collected from dealer registration and renewal registration fees must be deposited in the general fund."

Section 27. Section 23-2-818, MCA, is amended to read:

"23-2-818. Dealer registration certificate -- temporary registration permit. (1) (a) Unless the dealer is licensed under the provisions of 61-4-101, a dealer may not sell off-highway vehicles unless the dealer has first obtained a dealer registration certificate from the department of justice under the provisions of this section.

(b) To qualify as a dealer the applicant, when registering or renewing a registration, shall:

(i) complete an application:

(A) stating the name under which the business is to be conducted and the location of the premises (street address, city, county, and state) where records are kept, sales are made, and stock is displayed;

(B) stating the name, address, date of birth, and social security number of all owners or persons having an interest in the business, provided that in the case of a corporation, the names and addresses of the president and secretary are sufficient;

(C) identifying other dealerships owned by the applicant, identifying all persons in Montana or in another state having an interest in another dealership owned by the applicant, and disclosing whether the applicant or any other person with interest in a dealership owned by the applicant has been convicted of a felony; and

(D) stating the name and make of all off-highway vehicles handled and the name and address of the manufacturer, importer, or distributor with whom the applicant has a written franchise or sales agreement;

(ii) provide an affidavit certifying that the applicant has acquired and shall maintain liability insurance for any off-highway vehicle offered for demonstration or loan to a customer;

(iii) execute a certificate to the effect that the applicant has a permanent building for the display and sale of

off-highway vehicles at the location of the premises where sales are conducted;

(iv) execute a certificate to the effect that the applicant has a bona fide service department for the repair, service, and maintenance of off-highway vehicles; and

(v) execute a certificate to the effect that the applicant is a bona fide dealer in off-highway vehicles and that the dealer is recognized by a manufacturer, importer, or distributor as a dealer in off-highway vehicles.

(2) The dealer application for registration or renewal of registration must be accompanied by an application or renewal fee of $5 and a registration fee of $5. To qualify for the fees in this subsection, the applicant for renewal shall certify that the applicant has sold three or more off-highway vehicles during the preceding year. Upon receipt of the dealer application or renewal and payment of fees, the dealer must be issued two dealer off-highway identification cards to be carried by the dealer or the dealer's customer when demonstrating the dealer's off-highway vehicles. Additional dealer off-highway vehicle identification cards may be purchased by the dealer from the department of justice for a fee of $2 each.

(3) (a) A dealer shall file a bond in the amount of $5,000.

(b) The bond must be conditioned that the applicant shall conduct business in accordance with the requirements of the law. The bond must run to the state of Montana, must be approved by the department and filed in its office, and must be renewed annually.

(c) A person who suffers loss or damage because of the unlawful conduct of a dealer registered under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. Before payment on the bond is required, the judgment must determine a specific loss or damage amount and conclude that the dealer's unlawful operation caused the loss or damage.

(4) The dealer shall have a principal place of business where the dealer maintains all business records and where the dealer displays and sells merchandise.

(5) An applicant for renewal of an off-highway vehicle dealer registration who does not qualify under subsection (2) shall:

(a) pay an additional $50 renewal registration fee; and

(b) provide a copy of a new off-highway vehicle franchise or sales agreement that the applicant has with a manufacturer, importer, or distributor.

(6) Dealer registration certificates and identification cards expire on December 31 following the date of issuance.

(7) ~~Prior to~~ Within 30 days following the delivery of an off-highway vehicle to a purchaser, the dealer shall ~~issue and affix to the off-highway vehicle a temporary registration permit, as defined in 61-1-603~~ forward an application for certificate of title, executed by the purchaser, and the assigned manufacturer's certificate of origin or certificate of title for the off-highway vehicle to the office of the county treasurer for the county in which the

owner resides. ~~The dealer shall keep a copy of the temporary registration permit for the dealer's records and shall send a copy of the temporary registration permit to the department of justice.~~ If the dealer is an authorized agent, as defined in [section 2], a temporary registration permit may be issued upon delivery of the snowmobile to the purchaser in accordance with 61-3-224.

(8) (a) The dealer application fees and all interest accruing from use of this money must be deposited in the general fund to be used by the department of justice for the administration of this part.

(b) All dealer registration fees and renewal fees collected must be deposited in the state general fund."

Section 28. Section 49-4-301, MCA, is amended to read:

"49-4-301. Eligibility for special parking permit. (1) The department of justice shall issue a special parking permit to a person who has a disability that limits or impairs the person's mobility and ~~who, as determined by~~ for whom a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, submits a certification to the department, by electronic or other means prescribed by the department, that the person meets one of the following criteria:

(a) cannot walk 200 feet without stopping to rest;

(b) is severely limited in ability to walk because of an arthritic, neurological, or orthopedic condition;

(c) is so severely disabled that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) uses portable oxygen;

(e) is restricted by lung disease to the extent that forced expiratory respiratory volume, when measured by spirometry, is less than 1 liter per second or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(f) has impairment because of cardiovascular disease or a cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American heart association; or

(g) has a disability resulting from an acute sensitivity to automobile emissions or from another disease or physical condition that limits or impairs the person's mobility and that is documented by the licensed physician, the licensed chiropractor, or the licensed advanced practice registered nurse as being comparable in severity to the other conditions listed in this subsection (1).

(2) A person who has a condition expected to improve within 6 months may be issued a temporary placard for a period not to exceed 6 months but may not be issued a special license plate under ~~61-3-332(11)~~ 61-3-332 (9). If the condition exists after 6 months, a new temporary placard must be issued for the time period prescribed by the applicant's physician, chiropractor, or advanced practice registered nurse, not to exceed 24 months, upon

receipt of a ~~new~~ later paper or electronic certification from the disabled person's physician, chiropractor, or advanced practice registered nurse that the conditions specified in subsection (1) continue to exist and are expected to continue for the time specified.

(3) The department of justice may issue special parking permits to an agency or business that provides transportation as a service for persons with a disability. The permits must be used only to load and unload persons with a disability in the special parking place provided for in 49-4-302. As used in this subsection, "disability" means a physical impairment that severely limits a person's ability to walk.

(4) Except as provided in subsection (3), an applicant may not receive more than one permit."

Section 29. Section 49-4-302, MCA, is amended to read:

"49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time limits -- requirements for special parking spaces. (1) The parking permit issued under this part, when displayed, entitles a person to park a motor vehicle in a special parking space reserved for a person with a disability, whether on public property or on private property available for public use, when the person for whom the permit was issued is using the special parking space to enter or exit the vehicle.

(2) A vehicle may not be parked in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by a person with a disability unless:

(a) the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1), or a specially inscribed license plate displaying the letters "DV" issued under 61-3-458(3)(b) or displaying a wheelchair as provided in ~~61-3-332(11)~~ 61-3-332(9); and

(b) the reserved parking space is being used by the person for whom the permit, plate, or placard was issued to enter or exit the vehicle.

(3) The governing body of a city, town, or county may exempt vehicles lawfully displaying parking permits issued under this part and vehicles lawfully displaying specially inscribed license plates displaying the letters "DV" issued under 61-3-458(3)(b) or displaying a wheelchair as provided in ~~61-3-332(11)~~ 61-3-332(9) and parked in public places along public streets from any time limitation imposed upon parking, except in areas where:

(a) stopping, standing, or parking of all vehicles is prohibited;

(b) only special vehicles may be parked; or

(c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(4) In accordance with subsection (2), the governing body of a city, town, or county or appropriate state agency may impose all, but not less than all, of the following requirements with respect to any special parking

space constructed after September 30, 1985, and reserved for a person with a disability or a permitholder on ways of this state open to the public, as defined in 61-8-101:

(a) The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.

(b) If parallel to curbside, the parking space must be separated from an adjacent space, either in the front or the rear, by at least 5 feet of striped no-parking area.

(c) If at an angle to curbside, the parking space must be at least 8 feet wide and free of obstruction if located at the end of a line of angle parking spaces, and each other angle parking space designated for a person with a disability must be at least 13 feet wide.

(d) A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured by a vehicle parked in the space."

Section 30. Section 49-4-303, MCA, is amended to read:

"49-4-303. ~~Applications for~~ Issuance of interim special parking permit. ~~(1) Applications for a special parking permit may be made to the department of justice on forms provided by the department that require sufficient information to determine eligibility for a permit. The application must be accompanied by:~~

~~(a) a certificate from a~~ A licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, ~~describing the extent of the applicant's disability; and~~

~~(b) a fee of $1~~ may issue an interim special parking permit, in a form authorized by the department, to a person who has a disability that limits or impairs the person's mobility and upon whose behalf the physician, chiropractor, or advanced practice registered nurse has submitted a request for a special parking permit under 49-4-301. The interim special parking permit is valid only in Montana, may not be renewed or extended, and expires 5 days from the date of issuance.

~~(2) Applications must be available at the office of the county treasurer in each county and directly from the department.~~"

Section 31. Section 49-4-304, MCA, is amended to read:

"49-4-304. Special license plate or card to be provided and displayed -- additional cards allowed for owners of more than one vehicle. (1) ~~Unless~~ Except as authorized in 49-4-303, unless the department of

justice issued a special license plate under ~~61-3-332(11)~~ 61-3-332(9) or 61-3-458(3)(b) indicating a special parking privilege, the department shall provide a card to be displayed on or in a motor vehicle to indicate a parking privilege granted under this part. The special license plate must be affixed to the vehicle according to 61-3-301, or the card must be prominently displayed in the windshield of a vehicle when the parking privilege is being used by the person with a disability in a vehicle other than the one to which a special license plate is affixed.

(2) Subject to the provisions of 49-4-301 through 49-4-305, a person who is eligible to receive a special parking permit and who owns more than one motor vehicle may request and the department of justice shall provide additional cards described in subsection (1) to equal the number of motor vehicles, other than commercial vehicles, owned by the person.

(3) Upon application under ~~49-4-303~~ 49-4-301, a person with a disability who does not hold a driver's license or does not own a vehicle may receive a card described in subsection (1) to be displayed in a vehicle in which the person with a disability is being conveyed when the parking privilege is being used.

(4) The card must bear a representation of a wheelchair as the symbol of a person with a disability."

Section 32. Section 49-4-305, MCA, is amended to read:

"49-4-305. Expiration of permit. (1) Except as provided in 49-4-303 and subsection (2) of this section, a special parking permit expires on the occurrence of either of the following:

(a) 3 years from the date of issuance, unless the permit was issued to a person who has a condition expected to improve within 6 months. A person may renew a permit if a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, certifies that the person's mobility disability still exists and that one of the criteria specified in 49-4-301 continues to be met.

(b) certification by a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse that the person's mobility disability no longer exists or that the criteria specified in 49-4-301 can no longer be met.

(2) A permit issued before October 1, 1993, expires on:

(a) the death of the permittee; or

(b) certification by a licensed physician, a licensed chiropractor, or a licensed advanced practice registered nurse that the person's mobility disability no longer exists or that the criteria specified in 49-4-301 can no longer be met."

Section 33. Section 61-1-104, MCA, is amended to read:

"61-1-104. Special mobile equipment. (1) "Special mobile equipment" means a vehicle not designed for

the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this section is partial and does not exclude other vehicles that are within the general terms of this section as determined by the department.

(2) For purposes of Title 61, chapter 3, and Title 61, chapter 10, part 2, a motor vehicle or a trailer designed and used to apply fertilizer to agricultural land must be treated as special mobile equipment.

(3) For registration purposes, a log loader must be treated as special mobile equipment, subject to the identification and registration exemptions and regulations in 61-3-431."

Section 34. Section 61-1-111, MCA, is amended to read:

"61-1-111. Trailer. (1) "Trailer" means every vehicle, with or without motive power (other than a pole trailer), designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle, except that as used in chapters 3 and 4 the term includes every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(2) The term does not include a mobile home or a manufactured home, as defined in 15-1-101."

Section 35. Section 61-1-501, MCA, is amended to read:

"61-1-501. Mobile home or housetrailer. "Mobile home" or "housetrailer" ~~means a trailer or a semitrailer that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways or a trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a housetrailer but that is used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for any commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier~~ has the meaning provided in 15-1-101."

Section 36. Section 61-1-508, MCA, is amended to read:

"61-1-508. Registration -- register. "Registration" or "register" means~~, as used in part 1, chapter 6, registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles~~ the act or process of creating an electronic record, maintained by the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department records."

Section 37. Section 61-1-513, MCA, is amended to read:

"61-1-513. Manufactured home. ~~(1)~~ "Manufactured home" ~~means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards~~ has the meaning provided in 15-1-101.

~~(2) A manufactured home does not include a mobile home, as defined in 61-1-501 or 15-1-101, a housetrailer, as defined in 61-1-501, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.~~"

Section 38. Section 61-1-603, MCA, is amended to read:

"61-1-603. Temporary registration permit. "Temporary registration permit" means~~:~~

~~(1)~~ a paper record~~:~~ ~~produced and issued by the department, its authorized agent, a county treasurer, or a law enforcement officer to a person to whom ownership of a vehicle was transferred that, when mounted in the left-hand corner of a rear window of a motor vehicle or affixed as prescribed on a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle, authorizes the operation of the vehicle for a specified time period prior to registration under 23-2-512, 23-2-616, 23-2-804, or 61-3-303~~ (1) issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic interface after an electronic record has been transmitted to the department, that contains:

(a) required vehicle and owner information; and

(b) the purpose for which the record was generated; ~~or~~ and

(2) ~~a durable license plate-style placard approved by the department and issued by an authorized agent of the department or a county treasurer to a person to whom ownership of a vehicle has been transferred that, when attached to the rear of the vehicle in a manner prescribed by the department, authorizes the operation of a motor vehicle for a specified time period prior to registration under 61-3-303~~ that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs."

Section 39. Section 61-3-107, MCA, is amended to read:

"61-3-107. Identification number for trailers, campers, and other vehicles. (1) A trailer, semitrailer, ~~housetrailer,~~ or camper that does not have a manufacturer's or other identifying number on the trailer, semitrailer, ~~housetrailer,~~ or camper must be assigned an identification number by the department.

(2) The department may not issue ~~a certificate of ownership or~~ a certificate of title or reissue ~~a certificate of ownership or~~ a certificate of title covering a motor vehicle on which the identification number has been altered, removed, obliterated, defaced, omitted, or is otherwise absent unless the owner or other person lawfully in possession of the vehicle files an application with the department, accompanied by a fee of $5. The application must be on a form provided by the department and must contain information required by the department for the assignment of a special identification number for a vehicle. Upon receipt of the application and if the department is satisfied that the applicant is entitled to the assignment of an identification number, the department shall designate a special identification number for the vehicle. The department shall note the special identification number on the application and on records to be kept by the department. This assigned identification number must be stamped or securely attached in a conspicuous position on the vehicle in the manner and form prescribed by the department.

(3) If the true identity of a vehicle can be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks, the department may not assign a special identification number and shall replace the vehicle's identification mark by duplicating the manufacturer's full numeric or alphanumeric identification sequence. The department may replace an identification mark only after conducting an inquiry to determine that ownership of the vehicle bearing a restored identification mark has been lawfully transferred to the applicant. The applicant shall apply for and the department shall replace the identification mark on the vehicle as required under subsection (2).

(4) Upon receipt by the department of a certificate of inspection completed by a peace officer or authorized member of the department verifying that the identification number has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by an application for ~~a certificate of ownership or~~ a certificate of title and the required fee, the department shall use the number as the numeric or alphanumeric identification mark for the vehicle in any ~~certificate of ownership or a~~ certificate of title that may be issued."

Section 40. Section 61-3-109, MCA, is amended to read:

"61-3-109. Electronic title, lien filing, and registration. ~~(1)~~ The department shall develop and implement a pilot program to allow:

~~(a)~~(1) electronic transmission of data by ~~the department's~~ an authorized agent, ~~or~~ a county treasurer, or a person to or from the department in lieu of the transmission of paper documents;

~~(b)~~(2) substantiation of electronic record transactions performed by the department, ~~its~~ an authorized agent, ~~or~~ a county treasurer, or a person;

~~(c)~~(3) the ~~search of~~ production and certification by a court or an authorized agent of a motor vehicle record generated from electronic records of title and registration maintained by the department~~, its agents, and county~~

~~treasurers~~;

~~(d)~~(4) electronic filing, perfection, and release of security interests or liens of record; and

~~(e)~~(5) certification and audit by the department of its authorized agents.

~~(2) The department shall adopt rules to implement the pilot program. The rules must include procedures designed to constitute constructive notice of electronically filed and perfected liens and electronically maintained ownership records to subsequent purchasers, secured parties, or lienholders from the date of a lien's perfection or transfer of ownership.~~"

Section 41. Section 61-3-201, MCA, is amended to read:

"61-3-201. Certificate of title required -- exclusions. (1) Except as provided in subsection (2), the owner of a motor vehicle that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle.

(2) The following vehicles are exempt from the requirements of this part:

(a) a vehicle owned by the United States, unless the vehicle is registered in this state;

(b) except as required in 61-4-111, a vehicle that is:

(i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

(ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;

(c) a vehicle owned by a nonresident of this state;

(d) a vehicle regularly engaged in the interstate transportation of person or property and:

(i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

(ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

(e) a vehicle moved solely by human or animal power;

(f) an implement of husbandry;

(g) special mobile equipment;

(h) a self-propelled wheelchair or tricycle used by a person with a disability; ~~or~~

(i) a dolly or converter gear;

(j) a mobile home or housetrailer; or

(k) a manufactured home declared to be an improvement to real property under 15-1-116.

~~(3) The certificate of title is valid until canceled by the department upon a transfer of any interest shown in the certificate of title, and annual renewal is not needed.~~"

Section 42. Section 61-3-203, MCA, is amended to read:

"61-3-203. Fee for original certificate of title -- disposition. (1) A person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:

(a) $10 ~~for issuance of an original~~ if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that weighs less than 1 ton; or

(b) $12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs less than 1 ton. ~~The fee must be collected by the county treasurer or by an authorized agent of the department at the time of application. An additional fee of $2 must be paid for light vehicles, trucks and buses weighing less than 1 ton, and logging trucks. The fees must be paid to the county treasurer or agent of the department and, of the $10 fee,~~

(2) The amount of $5 of the fee imposed pursuant to subsection (1) must be forwarded to the department ~~of revenue and deposited in the state general fund. The remaining $5 must be forwarded to the department~~ for deposit in the motor vehicle information technology system account provided for in 61-3-550 and the remaining amount must be deposited in the state general fund."

Section 43. Section 61-3-212, MCA, is amended to read:

"61-3-212. Retitling salvage vehicles -- penalty. (1) Prior to operating a salvage vehicle on the roads and highways of this state, the owner shall present the vehicle and the salvage certificate, if one has been issued, or the certificate of title, the appropriate receipts or bills of sale establishing ownership, and the source of component parts used to rebuild the vehicle to a department employee or designated peace officer for inspection, as provided in 61-3-223. An owner may obtain a ~~72-hour~~ temporary registration permit ~~from the department or its designee~~ under 61-3-224 for the purpose of moving a salvage vehicle to and from the designated inspection site.

(2) (a) The inspector shall inspect the vehicle to verify the identity of the vehicle.

(b) The inspector shall verify that the component parts used to rebuild the vehicle are evidenced by traceable receipts or bills of sale and that there are no indications that the vehicle or any of its parts are stolen. Documentation provided by the owner or employee of a wrecking facility licensed under the provisions of Title 75, chapter 10, part 5, is prima facie evidence of the facts stated in the documentation.

(3) Following inspection and prior to operating the vehicle on the roads and highways of this state, the owner shall apply for a new certificate of title by submitting the application, the salvage certificate, receipts or bills of sale, and a copy of the inspection report to the department.

(4) Upon receipt of the application, required documentation, and payment of the fee required in 61-3-203,

the department shall issue a new certificate of title with the words "rebuilt salvage" on the face of the certificate of title.

(5) A person failing to comply with the provisions of this part is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed $500. The salvage vehicle purchaser shall produce the salvage certificate upon request of a public official legally entitled to request the certificate. A person may not operate or use a salvage vehicle on the roads or highways of this state except when a temporary registration permit has been issued as provided in subsection (1)."

Section 44. Section 61-3-217, MCA, is amended to read:

"61-3-217. Certificate of title -- duties -- examination of application -- records check -- incomplete application. (1) (a) Upon receipt of an application for a certificate of title and any supporting documents, an authorized agent of the department or a county treasurer shall:

(i) review the application and documents;

(ii) complete the records check required in subsection (2); and

(iii) if an authorized agent of the department or the county treasurer is satisfied as to the genuineness and regularity of the application and satisfied that the applicant is entitled to the issuance of a certificate of title, enter the transfer of interest on the electronic record of title.

(b) If an authorized agent of the department or the county treasurer is not satisfied as to the genuineness and regularity of the application or is not satisfied that the applicant is entitled to the issuance of a certificate of title, the authorized agent or the county treasurer may not enter the transfer of interest on the electronic record of title.

(c) If an authorized agent of the department or the county treasurer enters the transfer of interest on the electronic record of title, an authorized agent or the county treasurer shall:

(i) issue a transaction summary receipt to the applicant and, if requested, to any secured party or lienholder with a perfected security interest; and

(ii) as prescribed by the department, forward to the department the application, the assigned certificate of title, and any other documents provided in support of the application.

(2) The department, its authorized agent, or a county treasurer who first receives an application for a certificate of title shall check the vehicle identification number shown on the application against:

(a) the records of vehicles maintained by the department under 61-3-101;

(b) the reported stolen vehicle databases maintained on the state's criminal justice information network and by the national crime information center; and

(c) any other records or databases prescribed by the department.

(3) (a) Upon receipt of an application for a certificate of title and supporting documents that have been processed by an authorized agent of the department or a county treasurer, the department shall review the documents to determine if the application is complete. If the department determines that the application is incomplete, the department shall enter the incomplete status of the application on the electric record of title for the vehicle and return to the applicant, by first-class mail, the application and all supporting documents. The department shall provide a statement with a specific description of the additional information or documents that must be supplied by the applicant to complete the application process.

(b) ~~Except as provided in 61-3-342, the~~ The department may not complete the application process, remove the incomplete status notation on the electronic record of title, or issue a certificate of title until the applicant returns the completed application, including any supporting additional information or documents, to the department."

Section 45. Section 61-3-218, MCA, is amended to read:

"61-3-218. Certificate of title -- issuance -- delivery. (1) Except as provided in subsection (2), if a person who applied for a certificate of title also requested the issuance of the certificate of title as provided in 61-3-216 (2)(f)(i), upon receipt of the application and all supporting documents and after an examination and determination that the application is complete and regular, the department shall issue a certificate of title of the vehicle and shall mail the certificate of title to the owner.

(2) If a person to whom a vehicle was transferred has not satisfied the titling and registration provisions of this chapter or, if applicable, the registration provisions of Title 23, chapter 2, part 5 or 6, within the ~~20-day~~ 40-day period provided in 61-3-220(3) and the secured party or lienholder pays the title fee required in 61-3-203, the department may mail a certificate of title to the secured party or lienholder upon request of the secured party or lienholder.

(3) (a) A vehicle owner who requested the delayed issuance of a certificate of title under 61-3-216(2)(f)(ii), in the initial application for a certificate of title, may submit a request for the issuance of the certificate of title to the department, its authorized agent, or a county treasurer in a manner prescribed by the department. Upon receipt, the department shall issue a certificate of title for the vehicle and mail the certificate of title to the owner.

(b) A title fee may not be demanded from the owner or collected by the department, its authorized agent, or a county treasurer for a certificate of title requested or issued under subsection (3)(a)."

Section 46. Section 61-3-220, MCA, is amended to read:

"61-3-220. Certificate of title -- voluntary transfer -- ~~timeliness -- penalty~~ duties. (1) Upon the voluntary transfer of any interest in a motor vehicle for which a certificate of title was issued under the provisions of this

chapter, the owner whose interest is to be transferred shall:

(a) authorize, in writing and on a form prescribed by the department, ~~its~~ an authorized agent, or a county treasurer, to enter the transfer of the owner's interest in the vehicle to the transferee on the electronic record of title maintained under 61-3-101; or

(b) execute a transfer in the appropriate space provided on the certificate of title issued to the owner and deliver the assigned certificate of title to:

(i) the transferee at the time of delivery of the vehicle; or

(ii) the department, its authorized agent, or a county treasurer if an application for a certificate of title has been completed by the transferee and accompanies the assigned certificate of title.

(2) The transferor's signature on the certificate of title, or the form authorizing transfer of interest upon the electronic record of title, must be acknowledged before the county treasurer, a deputy county treasurer, an elected official authorized to acknowledge signatures, an employee or authorized agent of the department, or a notary public.

(3) Except as provided in ~~sections 23-2-513, 23-2-619, 23-2-818, or~~ 61-4-111, the person to whom an interest in a motor vehicle has been transferred shall:

(a) execute an application for a certificate of title in the space provided on the assigned certificate of title or as prescribed by the department; and

(b) within ~~20~~ 40 days after the interest in the vehicle was transferred to the person, either:

(i) ~~mail or deliver the assigned~~ apply for a certificate of title ~~or application to the county treasurer of the person's county of residence or, as permitted by the department, its authorized agent~~ under 61-3-216 and register the vehicle under 61-3-303; or

(ii) subject to the limitations of 61-3-312, register the vehicle without the surrender of a previously assigned certificate of title and application for certificate of title under 61-3-303.

(4) If the person to whom an interest in a motor vehicle has been transferred fails to ~~submit the application for a certificate of title to the department's authorized agent or a county treasurer~~ comply with the requirements described in subsection (3) within the ~~20-day~~ 40-day grace period ~~described in subsection (3)~~, a late penalty of $10 must be imposed against the transferee. The penalty must be paid ~~by the transferee to the county treasurer when the application for a certificate of title is finally submitted by the transferee or~~ before the transferee ~~may register~~ registers the vehicle in this state, with or without the surrender of an assigned certificate of title. The penalty is in addition to the fees otherwise provided by law.

(5) If the transferee does not ~~apply for a certificate of title~~ comply with the requirements of subsection (3) within the ~~20-day~~ 40-day grace period, a secured party or lienholder of record may pay the fees for the transfer of title and for filing a voluntary security interest or lien. The secured party or lienholder is not liable for the late

penalty imposed in subsection (4) or for registration fees, taxes, or fees in lieu of tax on the vehicle."

Section 47. Section 61-3-224, MCA, is amended to read:

"61-3-224. Temporary registration permit -- issuance -- placement -- fees. (1) ~~A~~ The department, an authorized agent, or a county treasurer ~~or a law enforcement officer~~ may issue a temporary registration permit ~~under the provisions of 61-3-317. A county treasurer may also issue a temporary registration permit under the provisions of 61-3-342~~ to:

(a) a Montana resident who acquires a new or used motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle prior to titling and registration of the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) the owner of a motor vehicle registered in this state for operation of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle under this chapter;

(d) a nonresident of this state who acquires a motor vehicle in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence;

(e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state; or

(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

(2) ~~An employee or agent of the department may issue a temporary registration permit only under express authorization from the department and in accordance with the provisions of this chapter.~~ A person, using a department-approved electronic interface, may issue a temporary registration permit for the specified purposes if the person is:

(a) a Montana resident who acquires a new or used motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle prior to titling and registration the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) a nonresident of this state who acquires a motor vehicle in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence; or

(d) a financial institution located in Montana that intends to allow a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

~~(3) A dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or under Title 61, chapter 4, part 1, may issue a temporary registration permit only as authorized under 23-2-513, 23-2-619, 23-2-818, 61-4-111, or 61-4-112.~~

~~(4)~~(3) A temporary registration permit issued under ~~subsections (1) through (3)~~ this section must contain the following information:

(a) a temporary ~~registration permit control~~ plate number, registration receipt number, or transaction record number, as prescribed by the department;

(b) the expiration date of the temporary registration permit; and

(c) if required by the department, a description of the vehicle, including year, make, model, and vehicle identification number, the name ~~and address~~ of the person from whom ownership of the vehicle was transferred, the name, mailing address, and residence address of the person to whom ownership of the vehicle has been transferred, and the date of ~~transfer~~ issuance.

(4) A temporary registration permit for:

(a) a motor vehicle must be plainly visible and firmly attached to the rear exterior of the vehicle where a license plate is required to be displayed; and

(b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway must be plainly visible and firmly attached to the vessel or vehicle.

(5) (a) Except as provided in 61-3-431 and subsection (5)(b) of this section, a $3 fee is imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent, or a county treasurer when the vehicle is registered.

(b) Except as provided in 61-3-431, a fee of $8 is imposed and must be paid upon issuance of a temporary registration permit by:

(i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires a motor vehicle in this state; or

(ii) a person who issued a temporary registration permit using a department-approved electronic interface.

(6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited in the motor vehicle electronic commerce operating account provided for in [section 5].

(7) If a temporary registration permit is issued under this section to a person to whom ownership of a vehicle has been transferred, the permitholder must title and register the vehicle in this or another jurisdiction before the ownership of the vehicle may be transferred to another person."

Section 48. Section 61-3-301, MCA, is amended to read:

"61-3-301. Registration -- license plate required -- display. (1) (a) Except as ~~otherwise~~ provided in ~~this~~

~~chapter~~ 61-4-120, 61-4-129, and subsection (1)(b) of this section, a person may not operate a motor vehicle upon the public highways of Montana unless the vehicle is properly registered and has the proper ~~number~~ license plates conspicuously displayed, one on the front and one on the rear of the vehicle, each securely fastened to prevent it from swinging and unobstructed from plain view~~, except that vehicles authorized to display demonstrator plates under 61-4-125 or 61-4-129 may have only one number plate conspicuously displayed on the rear~~.

(b) A motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer must display a single license plate on the rear of the vehicle.

(c) A person may not display on a vehicle at the same time a number assigned to it under any motor vehicle law except as provided in this chapter. ~~A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven or towed to an auto wrecking graveyard for disposal is exempt from the provisions of this section.~~

(2) A person may not purchase or display on a motor vehicle a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county ~~of the person's permanent residence~~ where the vehicle is domiciled at the time of application for registration. ~~However, the owner of a motor vehicle requiring a license plate on a motor vehicle used in the public transportation of persons or property may make application for the license in any county through which the motor vehicle passes in its regularly scheduled route, and the license plate issued bearing the number assigned to that county may be displayed on the motor vehicle in any other county of the state.~~

(3) It is unlawful to:

(a) display license plates issued to one vehicle on any other vehicle, trailer, ~~or~~ semitrailer, pole trailer, or travel trailer unless legally transferred as provided by statute;

(b) repaint old license plates to resemble current license plates; or

(c) display a prior design of ~~number~~ standard license plates issued under ~~61-3-332(4)(a)~~ 61-3-332(3)(a) or special license plates issued under ~~61-3-332(10)~~ 61-3-332(8) or 61-3-421 more than 18 months after a new design of ~~number~~ standard license plates or special license plates has been issued, except as provided in ~~61-3-332(4)(c) and (4)(d)~~ 61-3-332(3)(c) and (3)(d), 61-3-448, or 61-3-468.

~~(4) This section does not apply to a vehicle exempt from taxation under 15-6-215 or subject to the registration fee or fee in lieu of tax under 61-3-520.~~

~~(5) A person violating these provisions is guilty of a misdemeanor and is subject to the penalty prescribed in 61-3-601.~~

~~(6)~~(4) For the purposes of this section, "conspicuously displayed" means that the required license plates are obviously visible and firmly attached to:

(a) the front and the rear bumper of a motor vehicle equipped with front and rear bumpers; or

(b) other clearly visible locations on the front and the rear exteriors of a motor vehicle."

Section 49. Section 61-3-302, MCA, is amended to read:

"61-3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden -- vehicles exempt from registration -- exceptions. (1) (a) ~~It shall especially be provided that a~~ A resident of the state of Montana ~~shall~~ who owns a motor vehicle may not operate ~~a~~ the motor vehicle ~~under a license~~ with license plates issued by any other state than Montana.

(b) A person who has resided in Montana for more than 60 consecutive days is considered to be a resident for the purpose of vehicle titling and registration laws, and a motor vehicle, trailer, semitrailer, or pole trailer owned by the person must be titled and registered under the laws of Montana prior to operation in this state after the 60-day period.

(2) A motor vehicle driven or moved upon a highway in this state and owned by a nonresident of this state is exempt from registration under this chapter if:

(a) the vehicle is properly registered in and displays valid license plates of the jurisdiction in which the nonresident owner resides; and

(b) (i) the vehicle is not used for the transportation of persons or property for hire, compensation, or profit;

(ii) the nonresident owner is not employed or engaged in a commercial or business enterprise in this state; or

(iii) the vehicle is used for the exclusive purpose of filming motion pictures or television commercials and does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

(3) A motor vehicle owned by a manufacturer, a dealer, a wholesaler, or an auto auction and that is held for sale is exempt from registration under this part, even though the motor vehicle is incidentally moved on the highway and is used for purposes of testing or demonstration or is used by a manufacturer solely for testing.

(4) A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven to an auto wrecking graveyard for disposal is exempt from the provisions of this chapter."

Section 50. Section 61-3-303, MCA, is amended to read:

"61-3-303. ~~Registration~~ Original registration -- process -- fees. (1) ~~A~~ Except as provided in 61-3-324, a Montana resident who owns a motor vehicle operated or driven upon the public highways of this state shall register the motor vehicle in the office of the county treasurer in the county where the owner permanently resides or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the county where the vehicle is ~~permanently assigned~~ domiciled.

(2) ~~(a)~~ Except as provided in subsection (3), the county treasurer ~~shall~~ may register any vehicle for which:

~~(i)~~(a) as of the date that the vehicle is to be registered, the owner delivers an application for a certificate of

title to the department, its authorized agent, or a county treasurer; or

~~(ii)~~(b) the county treasurer confirms that the department has an electronic record of title for the vehicle as provided under 61-3-101.

~~(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.~~

(3) (a) A county treasurer ~~shall~~ may register a motor vehicle for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the vehicle owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, ~~present the~~ surrender a previously ~~issued~~ assigned certificate of title ~~only as authorized by the department under 61-3-342~~ and submit an application for certificate of title, subject to the registration renewal limitations of 61-3-312.

(4) ~~The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration.~~ Upon registering a motor vehicle for the first time in this state, the county treasurer shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5) of this section and

(e) assign and issue license plates for the vehicle under 61-3-331.

(5) ~~A~~ Unless otherwise provided by law, a person ~~who seeks to register~~ registering a motor vehicle~~, except a mobile home or a manufactured home as those terms are defined in 15-1-101(1),~~ shall pay to the county treasurer:

(a) the registration ~~fee~~ fees, as provided in ~~61-3-311 and~~ 61-3-321 ~~or 61-3-456~~;

(b) ~~except as provided in 61-3-456 or unless it has been previously paid,~~ the ~~motor vehicle~~ fees in lieu of tax or registration fees, as required for:

(i) a light vehicle under 61-3-560 through 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570 ~~imposed against the vehicle for the current year of registration and the immediately previous year~~;

(ii) a motor home under 61-3-522;

(iii) a travel trailer under 61-3-523;

(iv) a motorcycle or quadricycle under 61-3-527;

(v) a bus, truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-529; or

(vi) a trailer under 61-3-530; and

(c) a donation of $1 or more if the person ~~has indicated on the application~~ indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and

(d) a donation of $1 or more if the person ~~has indicated on the application~~ indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

(6) The county treasurer may not issue a registration receipt or license plates for the vehicle to the owner unless the owner makes the payments required by subsection (5). ~~Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:~~

~~(a) the current year; and~~

~~(b) except as provided in subsection (9), the immediately preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.~~

(7) The department may make full and complete investigation of the registration status of the vehicle. A person seeking to register a motor vehicle under this section shall provide additional information to support the registration to the department if requested.

(8) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this

subsection (9)(a) is registered permanently unless ownership of the vehicle is transferred.

(b) Whenever ownership of a vehicle described in subsection (9)(a) is transferred, the new owner is required to register the vehicle as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

(10) Revenue that accrues from the voluntary donation provided in subsection (5)(d) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury."

Section 51. Section 61-3-311, MCA, is amended to read:

"61-3-311. Registration -- ~~annual renewal --~~ time periods. (1) ~~Registration must be renewed annually, and registration fees must be paid annually. Except~~ Unless a vehicle is subject to permanent registration under this title and except as provided in 61-3-313~~ through 61-3-316~~, ~~61-3-318, 61-3-526~~ 61-3-701, ~~and~~ 61-3-721, and subsection (3) of this section, ~~all registrations expire on December 31 of the year in which they are issued and must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year~~ the department, an authorized agent, or a county treasurer shall, upon original registration of a vehicle in this state, assign each vehicle to a registration period, as provided in 61-3-316, based upon the calendar month in which the vehicle is first registered in this state and designate the calendar year in which the current registration will expire. ~~If the ownership of a motor vehicle is transferred during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle as provided by this chapter.~~

~~(2) The department, its authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered under the provisions of 61-3-342(3) unless:~~

~~(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or~~

~~(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208.~~

(2) Each registration period commences on the first day of the calendar month in the calendar year in which the vehicle is registered and the vehicle's registration expires on the earlier of:

(a) the last day of the month preceding the anniversary of the registration period for the year designated on the vehicle's registration decal, if the vehicle is registered for a minimum 12-month period;

(b) the last day of the month preceding the anniversary of the registration period for the year designated on

the vehicle's registration decal, if the vehicle is registered for a period of at least 13 but less than 25 months; or

(c) the transfer of ownership of the vehicle to another person.

(3) (a) Upon request of the vehicle owner, a county treasurer may assign a vehicle to a registration period, as provided in 61-3-316, other than the calendar month in which the vehicle is first registered in this state if at least 13 but less than 25 months will elapse between the first day of the calendar month in which the vehicle is registered and the last day of the month preceding the anniversary of the requested registration period in the year designated on the vehicle's registration decal.

(b) The county treasurer shall determine fees imposed for a vehicle registered for a period between 13 and 24 months. Registration fees imposed under 61-3-321 must be applied for the entire registration period. All other registration fees, fees in lieu of tax, or local option taxes or fees that are imposed on an annual basis must be prorated based on the number of months in the requested registration period.

(c) A vehicle registered under the provisions of 61-3-303(3)(b) may not be registered under this subsection (3).

(4) If a vehicle is permanently registered under the provisions of this chapter, the registration is not subject to expiration unless the registered owner of the vehicle transfers ownership of the vehicle to another person."

Section 52. Section 61-3-312, MCA, is amended to read:

"61-3-312. Renewal of registration -- exceptions -- grace period. (1) Except as provided in ~~61-3-311(1), 61-3-314,~~ 61-3-313 ~~61-3-318, 61-3-526, 61-3-560, 61-3-562,~~ and 61-3-721, the registration of a vehicle under this chapter ~~expires on December 31 of each year and~~ must be renewed ~~annually upon payment of registration fees as provided in 61-3-303 and 61-3-321~~ on or before the last day of the month of the vehicle's registration period following the expiration of the vehicle's registration. ~~The renewal takes effect on January 1 of each year.~~ A person may renew a vehicle's registration by submitting full payment for the fees or taxes, required under 61-3-303, to the department, an authorized agent, or a county treasurer in any county of this state. Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be retained, and the duration of the renewed registration is determined in accordance with 61-3-311. A registration receipt is valid ~~only during~~ for the registration ~~year~~ period for which it is issued.

(2) The owner of a vehicle ~~registered~~ subject to registration renewal under the provisions of this section ~~may operate the vehicle between January 1 and February 15 without displaying the registration decal of the current year if, during the period, the owner displays upon the vehicle the number plates or plate assigned for the previous year~~ is considered to have renewed the vehicle's registration in a timely manner if the owner submits full payment for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department, an authorized agent, or a county treasurer on or before the last day of the month of the vehicle's

registration period.

(3) The department, an authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered without being titled under the provisions of 61-3-303(3)(b) unless:

(a) the previously issued certificate of title has been surrendered to the department, an authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

Section 53. Section 61-3-313, MCA, is amended to read:

"61-3-313. Vehicles ~~subject to staggered~~ exempt from registration renewal. ~~For purposes of 61-3-313 through 61-3-316, "vehicle" means a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this state except~~ The following vehicles are exempt from the registration renewal requirements of 61-3-312:

(1) vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

~~(2) mobile homes and motor homes;~~

~~(3) vehicles that are registered in accordance with or subject to 61-3-411 or 61-3-458(3)(b);~~

~~(4) trucks exceeding a 1-ton rated capacity;~~

~~(5) trailers, semitrailers, tractors, and buses;~~

~~(6) special mobile equipment as defined in 61-1-104;~~

~~(7)~~(2) motor vehicles registered as part of a fleet under 61-3-318; ~~and~~

~~(8)~~(3) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733; and

(4) unless a transfer of ownership occurs, a travel trailer, trailer, semitrailer, pole trailer, motorcycle, or quadricycle, including a motorcycle or quadricycle registered only for off-highway use under Title 23, chapter 2, part 8, that is permanently registered."

Section 54. Section 61-3-314, MCA, is amended to read:

"61-3-314. Registration period. ~~(1) Except as provided in 61-3-315, each vehicle subject to the provisions of 61-3-313 through 61-3-316 must be registered for a 12-month period based upon the date it is first registered in this state pursuant to 61-3-313 through 61-3-316.~~

~~(2) There~~ For the purposes of this chapter, there are 12 registration periods to which a vehicle may be assigned.~~, each of which~~ Each registration period commences on the first day of a calendar month. The periods

are:

~~(a)~~(1) January 1 through January 31 &# 160; □ 0; &# 160; □ 0; &# 160; 1st period

~~(b)~~(2) February 1 through February 28/29 □ 0; &# 160; □ 0; &# 160; 2nd period

~~(c)~~(3) March 1 through March 31 &# 160; □ 0; &# 160; □ 0; &# 160; 3rd period

~~(d)~~(4) April 1 through April 30 &# 160; □ 0; &# 160; □ 0; &# 160; 4th period

~~(e)~~(5) May 1 through May 31 &# 160; □ 0; &# 160; □ 0; &# 160; 5th period

~~(f)~~(6) June 1 through June 30 &# 160; □ 0; &# 160; □ 0; &# 160; 6th period

~~(g)~~(7) July 1 through July 31 &# 160; □ 0; &# 160; □ 0; &# 160; 7th period

~~(h)~~(8) August 1 through August 31 &# 160; □ 0; &# 160; □ 0; &# 160; 8th period

~~(i)~~(9) September 1 through September 30 &# 160; □ 0; &# 160; □ 0; 9th period

~~(j)~~(10) October 1 through October 31 &# 160; □ 0; &# 160; □ 0; &# 160; 10th period

~~(k)~~(11) November 1 through November 30 &# 160; □ 0; &# 160; □ 0; 11th period

~~(l)~~(12) December 1 through December 31 &# 160; □ 0; &# 160; □ 0; 12th period"

Section 55. Section 61-3-315, MCA, is amended to read:

"61-3-315. ~~Reregistration on anniversary date -- department to make rules~~ Rules -- early ~~reregistration~~ renewal. ~~(1) A vehicle that has been registered for any of the periods designated in 61-3-314 must be reregistered for the same period on or before the anniversary date of the initial registration unless that period is changed as provided in subsections (2) and (4). The anniversary date for reregistration is the last day of the month for the designated registration period.~~

~~(2) (a) The owner of a motor vehicle subject to the provisions of 61-3-313 through 61-3-316 and subject to~~

~~the registration fee, as provided in 61-3-560 and 61-3-561, may register the motor vehicle for a period not to exceed 24 months. The registration expires on the last day of the 24th month commencing from the date of the designated registration period under 61-3-314 for which the vehicle is registered.~~

~~(b) The owner of a motor vehicle 11 years old or older subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, may permanently register the motor vehicle as provided in 61-3-562. The registration remains in effect until ownership of the vehicle is transferred to another person by the registered owner.~~

~~(3)~~ The department shall adopt rules for the implementation and administration of ~~61-3-313 through 61-3-316 and for the identification of~~ the registration ~~on the~~ of vehicles under this chapter. The rules adopted by the department pursuant to this section must ~~also~~ allow for:

(1) early ~~reregistration of~~ renewal of registration for motor vehicles ~~that are subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561,~~ when an owner of a motor vehicle presents extenuating circumstances~~.~~; and

~~(4)~~(2) ~~The department shall provide for~~ simultaneous registration of multiple vehicles that have common ownership. ~~The rules must provide for a change of the registration period to coincide with the date an owner desires to register the vehicles.~~"

Section 56. Section 61-3-316, MCA, is amended to read:

"61-3-316. New registrations ~~under staggered registration~~. ~~A~~ Except as provided in 61-3-311, a vehicle that is registered for the first time in this state must be assigned a registration period corresponding to when the vehicle is first registered in this state. Except as ~~provided~~ permitted in 61-3-315, 61-3-318, and 61-3-324, the registration period for a vehicle must remain the same from year to year."

Section 57. Section 61-3-317, MCA, is amended to read:

"61-3-317. New registration required for transferred vehicle -- grace period -- penalty -- display of proof of purchase. (1) ~~Except as otherwise provided in this section, the~~ The new owner of a transferred motor vehicle has a grace period of ~~20~~ 40 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by part 5 of this chapter, and local option taxes, if applicable~~, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the vehicle were being registered for the first time in that registration year~~. However, the motor vehicle may not be operated upon the streets and highways of this state during this period unless a temporary registration permit has been issued for, and is properly displayed on, the vehicle as permitted by 61-3-224.

~~(2) The new owner of a vehicle described in 61-3-303(9) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.~~

~~(3)~~(2) If the motor vehicle was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a current registration receipt or registration decal during the ~~20-day~~ 40-day period if at all times during that period, a temporary registration permit, issued under 61-3-224, ~~obtained from the county treasurer or a law enforcement officer as authorized by the department,~~ is ~~clearly~~ properly displayed ~~in the rear window of the motor vehicle or, if a durable placard has been issued for the vehicle, the placard is attached to the rear of the vehicle~~.

~~(4) Registration fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section.~~

~~(5) Failure to make application for a certificate of title within the time provided in this section subjects the purchaser to a penalty of $10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general fund.~~"

Section 58. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, ~~reregistration~~ renewal of registration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, ~~$13.75 in calendar year 2004 and, in each subsequent year,~~ $17;

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, $8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) 2,850 pounds and over, $10; and

(ii) under 2,850 pounds, $5;

(d) off-highway vehicles registered pursuant to 23-2-817, ~~$9 in calendar year 2004 and, in each subsequent year,~~ $19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, ~~$18.75 in calendar year 2004 and, in each subsequent year,~~ $22;

(f) logging trucks less than 1 ton, $23.75;

(g) motor homes, $22.25;

(h) motorcycles and quadricycles, $9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~$9.75 in calendar year 2004 and, in each subsequent year,~~ $11.25. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, $11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, $16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(k) travel trailers, $11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(l) recreational vehicles, ~~$3.50 in calendar year 2004 and, in each subsequent year,~~ $9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.

~~(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.~~

~~(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.~~

~~(3)~~(2) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~$5 in calendar year 2004 and, in each subsequent year,~~ $16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

~~(4)~~(3) A fee of $5 ~~for each set of new number plates~~ must be collected when ~~number plates~~ a new set of standard license plates or a new single standard license plate provided for under 61-3-332~~(2) are~~ is issued.

~~(5)~~(4) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

~~(6)~~(5) (a) Except as provided in 61-3-562 and subsection ~~(6)(b)~~ (5)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or ~~reregistered~~ when registration is renewed. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state

general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection ~~(6)(a)~~ (5)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

~~(7)~~(6) (a) Except as provided in 61-3-562 and subsection ~~(7)(b)~~ (6)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or ~~reregistered~~ when registration is renewed. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

(b) The following vehicles are not subject to the fee:

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(ii) off-highway vehicles registered pursuant to 23-2-817; and

(iii) vehicles bearing license plates described in 61-3-458(3)(d).

~~(8)~~(7) The provisions of this section relating to ~~the payment of registration fees or~~ new ~~number~~ standard license plate fees do not apply when ~~number~~ license plates are transferred ~~to a replacement vehicle~~ under ~~61-3-317, 61-3-332, or~~ 61-3-335. Registration fees must be paid if the vehicle to which plates are transferred was not previously registered.

~~(9)~~(8) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)~~(9) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

~~(11)~~(10) (a) Unless a person exercises the option in subsection ~~(11)(b)~~ (10)(b), an additional fee of $4 must be collected for each light vehicle ~~or truck under 8,001 pounds GVW~~ registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle ~~or truck under 8,001 pounds GVW~~ may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional $4 fee provided for in subsection ~~(11)(a)~~ (10)(a). If a written election is made, the fee may not be collected."

Section 59. Section 61-3-322, MCA, is amended to read:

"61-3-322. Registration receipts -- issuance. (1) Upon completion of the original registration or registration

renewal process, the department, an authorized agent, or a county treasurer shall issue a registration receipt to the owner of the vehicle.

(2) The registration receipt must contain the name and address of the vehicle owner, the license plate number assigned to the vehicle, sufficient information to identify the registered vehicle and determine its registration date and period of registration, and any additional information required by rule.

(3) The registration receipt must at all times be carried in the vehicle to which it refers or must be carried by the person driving or in control of the vehicle, who shall display it upon demand of a peace officer or any officer or employee of the department or the department of transportation."

Section 60. Section 61-3-324, MCA, is amended to read:

"61-3-324. Fleet registration -- application -- additions to and deletions from fleet. (1) A person owning or leasing a fleet may ~~apply to the department of transportation to~~ register the fleet annually through the department ~~of transportation~~ in lieu of registering each motor vehicle in its domicile.

(2) (a) ~~The application for~~ Except as provided in subsection (2)(b), fleet registration information, as prescribed by the department, must~~:~~

~~(a)~~ be submitted to the department ~~of transportation~~ prior to November 1 of each year~~;~~

~~(b) include a list of the motor vehicles in the fleet;~~

~~(c) include the current registration receipt for each motor vehicle; and~~

~~(d) include any other relevant information required by the department of transportation~~.

(b) The fleet owner or lessor and the department may enter into an agreement to change the registration period for the fleet in a manner that comports with the requirements of 61-3-311(3).

(3) A motor vehicle may be added to the fleet at any time during the registration period. If a certificate of title for a vehicle to be added to the fleet has not been issued by the department, the fleet owner or lessor may submit the application for certificate of title directly to the department.

(4) A motor vehicle may be removed from a fleet if the ~~owner of the~~ fleet ~~surrenders to~~ owner or lessor notifies the department of ~~transportation the current registration receipt and the license plate for the vehicle no later than December 31~~ its removal. ~~If the~~ Upon receipt ~~or license plate has been lost or stolen, the owner shall submit an affidavit explaining why he is not able to surrender the receipt or license plate~~ of the notice, the department shall cancel the vehicle's registration."

Section 61. Section 61-3-325, MCA, is amended to read:

"61-3-325. ~~Vehicles subject to staggered~~ Fleet registration -- ~~fees and taxes -- disposition~~ license plates. ~~(1) Any motor vehicle in the fleet that is subject to staggered registration under 61-3-313 through 61-3-~~

~~316 may be registered as part of the fleet on the following fleet renewal date. The department of transportation shall collect the remaining fees and taxes due for the registration year after crediting the registrant for the period that was previously paid.~~

~~(2)~~(1) (a) The department ~~of transportation~~ shall compute fees and taxes due on each motor vehicle in the fleet as provided in ~~part~~ parts 3 and 5 of this chapter, based on its domicile.

~~(b) The department of transportation shall also collect a registration fee of $7.50 for each motor vehicle in the fleet in lieu of the registration fee provided for in 61-3-321. The department shall retain $4.50 of each registration fee for administrative costs and forward the remaining $3 to the state treasurer for deposit in the general fund.~~

~~(c)~~(b) ~~All~~ Unless the fleet's registration period is changed under 61-3-324, all fees and taxes must be paid no later than February 15 each year.

(2) The department may issue a separate series of license plates for fleet vehicles that have the same background as standard license plates issued under 61-3-332 but have a separate numbering system determined by the department. At the request of the fleet owner or lessor and upon payment of all applicable fees, a license plate type other than the fleet plate may be issued to a fleet vehicle."

Section 62. Section 61-3-331, MCA, is amended to read:

"61-3-331. Assignment of ~~number~~ license plates. The county treasurer shall, at the time of issuing a registration receipt under 61-3-322, assign ~~such~~ the motor vehicle a distinctive ~~number, viz., the~~ license plate number, and unless the license plates must be specially ordered from the department, deliver to the applicant, depending on the type of motor vehicle that was registered, a set of two license plates or one license plate, ~~as received from the department,~~ each of which ~~shall~~ must bear ~~such~~ the assigned distinctive ~~numbers~~ number. ~~The department shall ship said license plates to the various county treasurers by freight, so that they will be received by the county treasurer on or before January 1 of each year.~~"

Section 63. Section 61-3-332, MCA, is amended to read:

"61-3-332. ~~Number~~ Standard license plates. ~~(1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.~~

~~(2)~~(1) In addition to special license plates, collegiate license plates, ~~and~~ generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of ~~number~~ standard license plates must be issued~~, in the manner specified,~~ for ~~each of the following vehicle or dealer types:~~

~~(a) passenger vehicles, including automobiles, vans, and sport utility vehicles;~~

~~(b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";~~

~~(c) trucks, bearing the letter "T" or the word "TRUCK";~~

~~(d) trailers, bearing the letters "TR" or the word "TRAILER";~~

~~(e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";~~

~~(f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";~~

~~(g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";~~

~~(h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER";~~ ~~and~~

~~(i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER"~~ motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles owned by other persons.

~~(3)~~(2) (a) Except as provided in 61-3-479 and subsections ~~(3)(b)~~ (2)(b), ~~(4)(c)~~ (3)(c), and ~~(4)(d)~~ (3)(d) of this section, all ~~number~~ standard license plates for motor vehicles must be issued for a minimum period of 4 years, bear a distinctive marking, as determined by the department, and be furnished by the department. In years when ~~number~~ standard license plates are not issued, the department shall provide a registration decal that must be affixed to the rear license plate of the vehicle.

(b) For light vehicles that are permanently registered as provided in ~~61-3-527 or 61-3-315 and~~ 61-3-562 and vehicles described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration decal indicating that the vehicle is permanently registered. The registration decal must be affixed to the rear license plate of the permanently registered vehicle.

~~(4)~~(3) (a) Subject to the provisions of this section, the department shall create a new design for ~~number~~ standard license plates as provided in this section, and it shall manufacture the newly designed ~~number~~ standard license plates for issuance after December 31, 2005, to replace at renewal, as required in 61-3-312 ~~and 61-3-314~~, ~~number~~ standard license plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2006, the department shall manufacture and issue new ~~number~~ standard license plates after the existing plates have been used for a minimum period of 4 years.

(c) A ~~light~~ motor vehicle that is registered for a 13-month to a 24-month period, as provided in ~~61-3-315 and 61-3-560~~ 61-3-311, may display the ~~number~~ license plate and plate design in effect at the time of registration for the entire ~~24-month~~ registration period.

(d) A light vehicle described in subsection ~~(3)(b)~~ (2)(b) that is permanently registered may display the ~~number~~ license plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently registered.

~~(5)~~(4) For passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive border on ~~the~~ all license plates, and the word "Montana" must be placed on each license plate. ~~Registration~~ All license plates must be treated with a reflectorized background material according to specifications prescribed by the department.

~~(6)~~(5) The distinctive registration numbers for standard license plates must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special license plates, collegiate license plates, ~~and~~ generic specialty license plates, and fleet license plates, the distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

~~(7)~~(6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, ~~number~~ standard license plates must bear the following distinctive markings:

(a) For motor vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For motor vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for motor vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the ~~number~~ standard license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these ~~number~~ standard license plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the ~~number~~ license plates requires it and a year number

may not be displayed on the ~~number~~ plates.

~~(8) Number plates issued to a passenger vehicle, truck, trailer, motorcycle, or quadricycle may be transferred only to a replacement passenger vehicle, truck, trailer, motorcycle, or quadricycle. A registration fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.~~

~~(9)~~(7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they are formed, beginning with the number 57.

~~(10)~~(8) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection ~~(6)~~ (5), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a motor vehicle owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the vehicle, and must be removed upon sale or other disposition of the vehicle.

~~(11)~~(9) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability. If the motor vehicle to which the license plate is attached is permanently registered, the owner of the motor vehicle shall ~~maintain~~ provide, upon request of a person authorized to enforce special parking laws or ordinances in this or any state, evidence of continued eligibility to use the license plate~~, which must be attached to the registration document in the vehicle~~ in the form of a valid special parking permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

~~(12)~~(10) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

Section 64. Section 61-3-333, MCA, is amended to read:

"61-3-333. Replacing ~~number~~ license plates or decals. (1) ~~If loss, mutilation, or destruction of number plates or a motor vehicle's registration decal occurs~~ Except as provided in subsection (2), if one or both license plates registered to a motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer or the registration decal for the motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer is mutilated or destroyed, the owner of the registered motor vehicle or trailer may obtain ~~from the department replacements of the number~~ a set of replacement license plates, a replacement license plate, or a duplicate registration decal upon filing a sworn declaration stating that fact and payment of a fee of $5. ~~If loss, mutilation, or destruction of pioneer plates occurs, duplicates may be obtained in the same manner upon payment of a fee of $5.~~

(2) If the owner requests that the replacement license plates bear the same background and license plate number as the plate or plates that were destroyed or mutilated, the duplicate license plate or plates may be issued upon payment of a fee of $5."

Section 65. Section 61-3-334, MCA, is amended to read:

"61-3-334. Expiration of registration on transfer of ownership of vehicle -- duty to remove plates. Upon the transfer of ownership of a motor vehicle, ~~the registration of the motor vehicle shall expire and it shall be the duty of~~ the transferor shall immediately ~~to~~ remove the license plates from the vehicle."

Section 66. Section 61-3-335, MCA, is amended to read:

"61-3-335. Transfer of license plates to another motor vehicle. (1) ~~Should the transferor make application for the registration of another motor vehicle at any time during the remainder of the current registration year as shown on the original certificate of registration, he may file an application in the office of the county treasurer where the motor vehicle is registered, upon a form to be prepared and furnished by the department, accompanied by the original certificate of registration, for the transfer of the license plates. The application for~~ A person may request the transfer of ~~the~~ license plates removed from ~~the~~ a motor vehicle ~~for which originally issued~~ under 61-3-334 to ~~a~~ another motor vehicle acquired or owned by the same person ~~in whose name the original license plates were issued shall be made within 20 days from date of acquiring the vehicle~~. The use of the license plates ~~shall~~ may not be legalized until proper transfer of license plates has been made.

(2) License plates may be transferred pursuant to this section without transferring ownership of the first vehicle.

(3) Upon transfer of the license plates, the registration of the motor vehicle from which the license plates were transferred expires. ~~The certificate of registration for such vehicle must be surrendered to the county treasurer with the application for transfer.~~"

Section 67. Section 61-3-345, MCA, is amended to read:

"61-3-345. ~~County motor~~ Motor vehicle computer system. ~~(1)~~ The department shall maintain a statewide online computer system to be used to title and register ~~and reregister~~ motor vehicles, boats, snowmobiles, and off-highway vehicles.

~~(2) The department shall establish the user advisory group to assist in the development of policies governing the registration and reregistration of motor vehicles, boats, snowmobiles, and off-highway vehicles. The user advisory group must be appointed by the attorney general and must include:~~

~~(a) an employee of the department of administration selected by the director of the department of administration;~~

~~(b) two county treasurers, selected by the Montana county treasurers association;~~

~~(c) one county motor vehicle section supervisor, selected by the Montana county treasurers association;~~

~~(d) an employee of the department of revenue who is engaged in property assessment, selected by the director of the department of revenue;~~

~~(e) an employee of the department of justice, data processing division, selected by the division administrator;~~

~~(f) an employee of the department of justice, motor vehicle division, registrar's bureau, selected by the division administrator;~~

~~(g) an employee of the department of justice, motor vehicle division, driver services bureau, selected by the division administrator;~~

~~(h) a member of the Montana bankers' association, selected by the association director;~~

~~(i) a member of the Montana automobile dealers association, selected by the association director; and~~

~~(j) a member or employee of the Montana American automobile association, selected by the association director.~~

~~(3) Committee members who are not employees of the state of Montana shall serve a term of 2 years, and state employee members shall serve at the pleasure of the attorney general.~~

~~(4) Travel and per diem expenses for the committee must be charged to the motor vehicle division.~~

~~(5) Secretarial and support services for the committee must be provided by the motor vehicle division.~~

~~(6) The committee shall meet no more than four times a year unless specifically called by the attorney general.~~"

Section 68. Section 61-3-347, MCA, is amended to read:

"61-3-347. Duties of county motor vehicle computer committee. (1) The county motor vehicle computer

committee shall:

(a) establish the requirements and specifications for the county motor vehicle computer system to be used by county treasurers and the department of justice to register and ~~reregister~~ renew the registration of motor vehicles, boats, snowmobiles, and off-highway vehicles;

(b) approve the purchase of computer equipment, including peripherals, to be used for the registration and ~~reregistration~~ renewal of the registration of motor vehicles, boats, snowmobiles, and off-highway vehicles;

(c) approve the procedures for the development of the county motor vehicle computer system provided for in 61-3-345 and for training in the use of that system.

(2) As used in this section, "computer system" means the county motor vehicle application system and does not include the central computer centers or imply that the department of administration is responsible for establishing policy and operating and maintaining central computer centers."

Section 69. Section 61-3-401, MCA, is amended to read:

"61-3-401. Definition of personalized license plates. Personalized license plates, as used in 61-3-401 through 61-3-406, ~~mean~~ are license plates that ~~have displayed upon them the registration number assigned to the passenger motor vehicle for which such registration number was issued in a~~ are specially produced and display a specific combination of letters or numbers, or both, expressly requested by the owner of the vehicle."

Section 70. Section 61-3-402, MCA, is amended to read:

"61-3-402. Personalized license plates authorized. ~~Any~~ A person who is the registered owner of a motor vehicle, ~~a~~ truck, motor home, ~~camping~~ trailer, motorcycle, quadricycle, or other vehicle for the owner's personal use ~~registered with the department or who makes application for original registration of a motor vehicle~~ may upon payment of the fee prescribed in 61-3-406 apply to the department for personalized license plates in the manner prescribed in 61-3-405~~,~~. ~~which~~ The plates ~~shall~~ must be affixed to the ~~motor~~ vehicle for which registration is sought in lieu of the ~~regular~~ license plates ~~provided for in this chapter~~ numbered as provided in 61-3-332."

Section 71. Section 61-3-403, MCA, is amended to read:

"61-3-403. Color and design of personalized license plates -- exception ~~-- county designation~~. ~~(1)~~ Except as provided in 61-3-407 and 61-3-466, the personalized license plates must be the same color and design as ~~regular passenger motor vehicle~~ standard license plates and must consist of numbers or letters, or any combination ~~thereof~~ of numbers or letters, not exceeding eight positions and not less than two positions, provided that there are no conflicts with existing ~~passenger, commercial, trailer, motorcycle, quadricycle,~~

standard or special license plate series under this title. A registration decal must be displayed on personalized license plates as provided in 61-3-332.

~~(2) Upon the issuance of personalized license plates or upon the reregistration of any motor vehicle assigned personalized license plates that do not bear a county designation or no longer bear the correct county designation, the department shall provide nonremovable stickers bearing the appropriate county designation, which must be affixed to the license plates in use in accordance with instructions by the department.~~"

Section 72. Section 61-3-407, MCA, is amended to read:

"61-3-407. Personalized license plates for disabled -- special veteran and generic specialty license plates. Subject to the provisions of 61-3-405 and 61-3-406, an application for standard license plates bearing a wheelchair as the symbol of a person with a disability under 61-3-332(9), special veteran license plates under 61-3-458(3), or generic specialty license plates under 61-3-472 through 61-3-481 may be combined with an application for personalized plates. The application must be made on a form supplied by the department."

Section 73. Section 61-3-412, MCA, is amended to read:

"61-3-412. Display of original Montana license plates on collector's item and general transportation collector's item vehicles -- definition -- validation. (1) As used in 61-3-413 and this section, "original Montana license plate" means a license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle on which the license plate is authorized to be displayed.

(2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor vehicle registered as provided in 61-3-411 or 61-3-413 to display original Montana license plates, with validation as required in 61-3-413 or subsection (3) of this section, after:

(a) payment of the fee required in subsection (5);

(b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the motor vehicle and, upon payment of a $5 fee, receipt of the highway patrol officer's certification that the officer has determined that:

(i) the license plate is legible and meets the requirements of subsection (1); and

(ii) in the case of a license plate intended for use on a general transportation collector's item, the license plate is visible at night;

(c) receipt of an application by the owner of the motor vehicle as provided for in 61-3-411 or 61-3-413; and

(d) in the case of a general transportation collector's item application, certification from the department that a duplicate license plate number does not exist among currently issued license plates.

(3) If the owner of a vehicle ~~registered under the provisions of 61-3-314~~ meets the requirements of subsection (2), the department shall:

(a) ~~file the application and~~ register ~~information on~~ the motor vehicle ~~in the manner~~ as prescribed in 61-3-303; and

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

(A) "P" to designate vehicles described in 61-3-411(2)(a); or

(B) "V" to designate vehicles described in 61-3-411(2)(b).

(4) The owner of the motor vehicle shall permanently affix the validating decal to the windshield of the collector's item motor vehicle or, if a windshield does not exist, to another prominent and visible position on the vehicle.

(5) The owner of the motor vehicle shall pay to the department with the application required under this section a one-time special collector's item motor vehicle license fee of $20."

Section 74. Section 61-3-415, MCA, is amended to read:

"61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution. (1) A Montana resident who is the owner of a motorcycle or quadricycle titled and registered under this chapter and who pays the fee required under subsection (2) may be issued a ~~set of~~ special motorcycle license ~~plates~~ plate bearing a design created by the department. The design must recognize the efforts of one or more Montana-based nonprofit organizations that grant wishes to chronically or critically ill Montana children.

(2) ~~A~~ In addition to the fee required in 61-3-527, a person requesting a ~~set of~~ special motorcycle license ~~plates~~ plate under this section shall pay to the county treasurer:

(a) an administrative fee of $5 upon ~~initial~~ issuance of the special license ~~plates~~ plate, to be deposited in the county general fund; ~~and~~

(b) a $5 license plate fee; and

~~(b)~~(c) ~~an annual~~ a donation fee of ~~$20~~ $20 ~~upon initial issuance, renewal, or transfer of the special license plates~~.

(3) The county treasurer shall remit the fees required in ~~subsection (2)~~ subsections (2)(b) and (2)(c) to the department ~~of revenue~~. For each ~~set of plates~~ special plate issued, the department ~~of revenue~~ shall deposit $5 in the state general fund and ~~$20~~ $20 in an account in the state special revenue fund to be used by the department as provided in subsection (4).

(4) The department shall use the money deposited in the account in the state special revenue fund as

provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

(5) The department shall adopt rules to identify the entity or entities that may qualify for grants under this section and to establish the criteria that an entity must meet to receive grant funds.

(6) The account in the state special revenue fund provided for in subsection (3) is statutorily appropriated to the department, as provided in 17-7-502."

Section 75. Section 61-3-421, MCA, is amended to read:

"61-3-421. Amateur radio operators -- special license plate. A ~~motor vehicle owner and~~ resident of this state who holds an unrevoked and unexpired official amateur radio station license and operator's license, "conditional" or higher class, issued by the federal communications commission of the United States, upon ~~written application on a form prescribed by the department, accompanied by~~ proof of ownership of the amateur radio station license and operator's license, ~~must~~ may be issued ~~lettered~~ a set of license plates ~~in pairs (two identically lettered plates), in lieu of the regular license plates prescribed by law. There must be stamped or impressed upon the special license plates in clear lettering~~ displaying the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission~~,~~ for a light vehicle or motor home owned by and registered to the resident. ~~and the~~ The plates ~~so lettered~~ must be renewed as provided in 61-3-312."

Section 76. Section 61-3-422, MCA, is amended to read:

"61-3-422. Issuance -- application -- additional fee. The department shall issue ~~lettered~~ license plates with the official amateur radio call letters ~~as provided in 61-3-421~~ to an amateur radio ~~operators~~ operator upon:

(1) application showing proof that the applicant is the owner and holder of an amateur radio station license and operator's license;

(2) compliance with the state ~~motor vehicle~~ laws relating to titling and registration ~~and licensing~~ of ~~motor~~ light vehicles and motor homes;

(3) payment, or proof of payment, of all other fees and taxes applicable to ~~regular motor vehicle license plates~~ the light vehicle or motor home; and

(4) payment of a $5 additional fee."

Section 77. Section 61-3-425, MCA, is amended to read:

"61-3-425. Special plates -- how affixed to car -- sale or transfer of auto -- revocation or expiration of radio license. The ~~lettered~~ license plates~~, as herein provided, are in lieu of the regular license plates on the~~

~~motor vehicle owned by the amateur radio licensee for the period of time that~~ issued under 61-3-422 may be renewed as long as the amateur radio license is in force under the federal communications commission and the special license issued hereunder is in force~~, but no longer~~. If the official amateur radio license is revoked or expires for any reason, the license ~~plate~~ plates must be removed immediately by the owner of the ~~motor~~ light vehicle or motor home, and ~~it is the responsibility of~~ the owner ~~to then~~ shall obtain ~~regular~~ standard license plates numbered as provided in 61-3-332. If the ~~motor~~ light vehicle or motor home is sold or otherwise transferred, the owner and holder of valid official amateur radio station and operator's licenses ~~has the right to~~ may transfer the ~~lettered~~ amateur radio license plates to another ~~motor~~ light vehicle or motor home owned by ~~him upon such reasonable conditions as may be prescribed by the department~~ the holder as provided in 61-3-335. On the revocation or expiration of the amateur radio station and operator's licenses, the ~~lettered~~ license plates ~~as~~ issued under 61-3-422 must be returned and surrendered to the department."

Section 78. Section 61-3-426, MCA, is amended to read:

"61-3-426. Combined license plates. (1) An application for license plates for amateur radio operators may be combined with an application for the special license plates issued under 61-3-458(3) or with an application for special license plates issued to a person with a disability who complies with the provisions in ~~61-3-332(11)~~ 61-3-332(9).

(2) Issuance of combined license plates is subject to 61-3-422.

(3) The combined license plates must ~~be stamped with~~ display the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission. The plates must also ~~be stamped with~~ display the design or decal provided for in ~~61-3-332(11)~~ 61-3-332(9) or 61-3-458(3)."

Section 79. Section 61-3-431, MCA, is amended to read:

"61-3-431. Special mobile equipment -- exemption from registration and payment of fees and charges -- identification ~~plate~~ decal -- special demonstration permit -- publicly owned special mobile equipment. (1) A person, firm, partnership, or corporation who owns, leases, or rents special mobile equipment as defined in 61-1-104 and occasionally moves that equipment on, over, or across the highways of the state is not subject to registration of that equipment or required to pay the fees and charges provided for in 61-4-301 through 61-4-308 or part 2 of chapter 10. Prior to movement on the highways:

(a) each piece of equipment must display an equipment identification ~~plate~~ decal or a dealer's license plate attached to the equipment, except for equipment referred to in 61-1-104(2) that is brought into Montana for demonstration purposes;

(b) each piece of equipment referred to in 61-1-104(2) that is brought into Montana for demonstration

purposes must have a ~~special demonstration~~ temporary registration permit conspicuously displayed.

(2) (a) Annual application for the identification ~~plate~~ decal must be made to the county treasurer before any piece of equipment is moved on the highways. Application must be made on a form furnished by the department, together with the payment of a fee of $5. The equipment for which a special mobile equipment ~~plate~~ decal or for which a ~~special demonstration~~ temporary registration permit is sought is subject to the assessment of personal property taxes on the date application is made for the ~~plate~~ decal or the date determined pursuant to subsection (4). The personal property taxes assessed against the special mobile equipment must be paid before a special mobile equipment ~~plate~~ decal may be issued. The fees collected under this section must be deposited in the state general fund, except that $25 of the ~~special demonstration~~ temporary registration permit fee must be remitted to the department of transportation.

(b) Application must be made for a ~~special demonstration~~ temporary registration permit as provided in subsection (1)(b). The application must be made to the county treasurer or to ~~a weigh station~~ an authorized agent before the piece of equipment is moved on Montana highways. Application for the ~~special demonstration~~ temporary registration permit must be made on a form furnished by the department and must be accompanied by the payment of a fee of $50, in addition to the fee required under 61-3-224.

(3) The identification ~~plate~~ decal expires on December 31 of each year. If the expired identification ~~plate~~ decal is displayed, an owner of special mobile equipment registered under the provisions of this section is entitled to operate the equipment between January 1 and February 15 following expiration without displaying the identification ~~plate~~ decal or receipt of the current year.

(4) (a) The ~~special demonstration~~ temporary registration permit expires ~~45~~ 40 days after its issuance. Special mobile equipment that remains in the state past the expiration of the permit is subject to the assessment of personal property taxes, starting on the first day following expiration of the permit.

(b) If the holder of a ~~special demonstration~~ temporary registration permit leases or sells the piece of equipment during the term that is covered by the permit, the permit is no longer valid and the special mobile equipment is subject to the assessment of personal property taxes, starting on the first day of the lease or the date of the sale.

(5) Publicly owned special mobile equipment and implements of husbandry used exclusively by an owner in the conduct of the owner's farming operations are exempt from this section."

Section 80. Section 61-3-433, MCA, is amended to read:

"61-3-433. Issuance of identification ~~plate~~ decal and receipt -- contents. The county treasurer shall issue to an applicant for an equipment identification ~~plate~~ decal a single ~~metal plate~~ decal with a distinguishing number and a receipt for the fee collected~~,~~. ~~which~~ The receipt ~~shall~~ must contain the name and address of the

applicant, the number of the ~~plate~~ decal issued, the serial number of the equipment, and a brief description of that equipment."

Section 81. Section 61-3-446, MCA, is amended to read:

"61-3-446. Retention of special license plates. If during a registration year the holder of special license plates issued under ~~61-3-332(10)~~ 61-3-332(8) or generic specialty license plates issued as provided in 61-3-472 through 61-3-481 disposes of the vehicle to which the plates are affixed, the holder may retain the plates and ~~affix~~ transfer them to another vehicle under 61-3-335."

Section 82. Section 61-3-456, MCA, is amended to read:

"61-3-456. Registration of motor vehicle owned and operated by Montana resident on active military duty stationed outside Montana. (1) As an incentive for military service, an owner of a motor vehicle who is a Montana resident who entered active military duty from Montana and who is stationed outside Montana may file with the department an application for the registration of the motor vehicle. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle; and

(c) that the vehicle is owned and operated by a Montana resident who meets the qualifications of subsection (1) and is on active military duty and stationed outside Montana.

(2) The registration fee for a motor vehicle registered under subsection (1) is as provided in ~~61-3-311 and~~ 61-3-321.

(3) A vehicle registered under this section is not subject to:

(a) the taxes or fees described in 61-3-303(5)(b);

(b) ~~assessment under 15-8-202 or 61-3-503,~~ the fee in lieu of tax under 61-3-529~~,~~ or the registration fee under 61-3-560 through 61-3-562; or

(c) any of the fees provided in part 5 of this chapter."

Section 83. Section 61-3-458, MCA, is amended to read:

"61-3-458. Special plates for military personnel, veterans, and spouses. (1) (a) Active military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may be issued special military or veteran license plates as provided in this section.

(b) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special license

plates issued pursuant to this section must be numbered in sets of two with a different number on each set and must be properly displayed as provided in 61-3-301. Special military or veteran license plates may not be issued for a motorcycle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer. Special military or veteran license plates bearing a wheelchair as the symbol of a person with a disability may be issued to a person who meets the qualifications under 61-3-332(9) and this section.

(2) (a) Upon application, after paying all applicable vehicle registration fees and special license plate fees and providing an official certificate from the applicant's unit commander verifying the individual's eligibility and authorizing the department to issue the plates to the individual, eligible military personnel may be issued one set of special military license plates as provided in this subsection (2).

(b) A member of the Montana national guard who is a state resident may be issued special license plates with a design or decal displaying the letters "NG". However, the member shall surrender the plates to the department when the member becomes ineligible.

(c) A member of the reserve armed forces of the United States who is a state resident may be issued special license plates according to the member's branch of service verified in the application with a design or decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe and anchor). However, the member shall surrender the plates to the department when the member becomes ineligible.

(d) An active member of the regular armed forces of the United States who is a state resident may be issued special license plates inscribed with a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the member's branch of service verified in the application. However, the member shall surrender the plates to the department upon becoming ineligible.

(3) (a) Upon application, after presenting proper identification and a department of defense form 214 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, an eligible veteran must be issued any set and more than one set of the special license plates provided for in this subsection (3) that the member requests and is eligible to receive.

(b) A veteran may be issued special license plates displaying the letters "DV", which entitles the veteran to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part 3, if the veteran:

(i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as

50% or more disabled because of a service-connected injury; or

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability.

(c) A veteran who has been awarded the purple heart may be issued special license plates with the purple heart decal displaying the words "combat wounded".

(d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued special license plates with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(e) If the veteran was a member of the United States armed forces on December 7, 1941, and during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special license plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

(f) A person who is a member of the legion of valor may be issued special plates displaying a design or decal depicting the recognized legion of valor medallion.

(g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the veteran's service record verified in the application.

(h) A member or former members of the Montana national guard eligible to receive a military retirement may be issued special license plates displaying the Montana national guard insignia and the words "National Guard veteran".

(4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible veteran, if the spouse has not remarried, may retain the special license plates issued to the deceased veteran, except the special "DV" plates provided for under subsection (3)(b).

(5) For purposes of this section, "veteran" has the meaning provided in 10-2-101."

Section 84. Section 61-3-463, MCA, is amended to read:

"61-3-463. Collegiate license plates. (1) Subject to the provisions of ~~61-3-332(4)~~ 61-3-332(3) and the requirement that collegiate license plates must have a white reflectorized background, the department shall design, cause to be manufactured, and issue collegiate license plates as provided in 61-3-464 through 61-3-466.

(2) After consultation with each institution, the department shall prescribe the color and insignia to be displayed on the collegiate license plates for each institution.

(3) In addition to each institution's distinctive color and insignia provided in subsection (2), each collegiate license plate must:

(a) be imprinted consecutively with distinctive numerals from 1 through 99999, capital letters A through Z, or a combination of numerals and letters; and

(b) bear a registration decal ~~denoting the correct county designation under~~ as provided in 61-3-332.

(4) The department shall determine the minimum and maximum number of characters, including both numerals and letters, on the collegiate license plates.

(5) An issue of collegiate license plates may not be ordered or manufactured for any individual institution unless at least 400 sets of plates are ordered and prepaid."

Section 85. Section 61-3-464, MCA, is amended to read:

"61-3-464. Application for collegiate license plates. An applicant for collegiate license plates or renewal of collegiate license plates pursuant to 61-3-465 shall apply in the form and by the date the department requires. An application for a collegiate license plate may be combined with an application for a license plate bearing a wheelchair as the symbol of a person with a disability if the applicant meets the qualifications under 61-3-332 (9)."

Section 86. Section 61-3-474, MCA, is amended to read:

"61-3-474. Responsibility for design of generic specialty license plates -- numbering -- rulemaking -- approval -- registration decal -- listing of plate sponsors. (1) The department shall:

(a) design the background and general format of generic specialty license plates;

(b) in consultation with the department of corrections, determine which license plate processing system is the most efficient and versatile manufacturing method for the production of generic specialty license plates;

(c) use a numbering system for generic specialty license plates that is distinctive from the numbering system required under 61-3-332 or used for collegiate license plates;

(d) adopt rules that prescribe:

(i) the minimum and maximum number of characters that a generic specialty license plate may display;

(ii) the general placement of the sponsor's name, identifying phrase, and graphic; and

(iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license plates must be approved by the department prior to the manufacture of the plates.

(3) Upon the issuance of generic specialty license plates, ~~the department shall provide registration decals bearing the appropriate county designation as provided in 61-3-332. The~~ a registration decal must be affixed to

the license plates ~~in use in accordance with instructions by the department~~ as provided in 61-3-332.

(4) The department shall maintain a list of the sponsors that have been approved to promote the sale and issuance of generic specialty license plates, the initial distribution date for sale of each sponsored generic specialty license plate, and the donation fee established by the sponsor for each sponsored generic specialty license plate. The department shall, upon request, make copies of this list available to interested members of the public.

(5) The department may, in its discretion, revoke its previous approval of a sponsor's generic specialty license plate sponsorship if:

(a) the sponsor fails to comply with the provisions of 61-3-472 through 61-3-481;

(b) fewer than 400 sets of a sponsor's generic specialty license plate have been sold or renewed in the 12-month period immediately preceding the third anniversary of the date of initial distribution of the sponsored generic specialty license plate; or

(c) the department has reliable information that the sponsor is no longer qualified for sponsorship under 61-3-472 through 61-3-481.

(6) (a) Upon revocation of a sponsor's generic specialty license plate sponsorship status, the issuance and sale of the sponsor's generic specialty license plates must be terminated and a donation fee may not be charged or collected upon registration renewal of a vehicle displaying previously issued generic specialty license plates affiliated with that sponsor.

(b) A person who owns a vehicle displaying valid generic specialty license plates affiliated with a sponsor whose sponsorship status has been revoked may continue to display those generic specialty license plates on the person's vehicle if the vehicle's registration is properly renewed in subsequent years and the plates remain legible.

(c) Following revocation of a sponsor's sponsorship status, the department may not issue replacements or duplicates of generic specialty license plates affiliated with that sponsor ~~that are lost,~~ if the license plates are destroyed~~,~~ or mutilated."

Section 87. Section 61-3-479, MCA, is amended to read:

"61-3-479. Issuance of generic specialty license plates -- qualifications. (1) (a) Except as provided in subsection (1)(b), the department shall issue a set of generic specialty license plates to a person who applies for a particular style of generic specialty license plates and pays the donation fee established by the plate sponsor and the administrative fee required in 61-3-480.

(b) If the sponsor of a generic specialty license plate is not listed on the county collection report published by the department of revenue and required under 15-1-504 as of the initial distribution date for the sale of the

sponsor's plates, the department shall require the sponsor to collect the initial donation fee from, and issue a special certificate of registration to, a person who is eligible to receive the sponsor's generic specialty license plates. The person shall present the special certificate of registration upon application for the generic specialty license plates.

(2) A set of generic specialty license plates may be issued for any vehicle, except a trailer of any size, a motorcycle, or a quadricycle.

(3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives generic specialty license plates is subject to the same rules and laws as those that govern ~~number~~ standard license plates.

(b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to the same rules and laws that govern the issuance of ~~number~~ standard license plates.

(c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any maximum issuance or use limitation that may be imposed on ~~number~~ standard license plates.

(4) A person may combine an application for a generic specialty license plate with an application for a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability as provided in ~~61-3-332(11)~~ 61-3-332(9)."

Section 88. Section 61-3-481, MCA, is amended to read:

"61-3-481. Generic specialty license plates -- restrictions on use. (1) Generic specialty license plates may be issued by the department in conjunction with the registration of any vehicle, except a trailer of any size, a motorcycle, or a quadricycle. The department may not issue generic specialty license plates without the motor vehicle having been registered.

(2) Generic specialty license plates may be used only as the official ~~number~~ license plates for a motor vehicle."

Section 89. Section 61-3-501, MCA, is amended to read:

"61-3-501. When motor vehicle taxes and fees are due. (1) ~~Light~~ Motor vehicle registration fees, local option vehicle taxes or fees, fees in lieu of tax, and other fees must be paid on the date of registration or ~~reregistration~~ renewal of registration of the motor vehicle.

~~(2) (a) If the anniversary date for reregistration of a vehicle passes while the vehicle is owned and held for sale by a licensed new or used car dealer, light vehicle registration fees, local option vehicle taxes or fees, or fees in lieu of tax abate on the vehicle properly reported with the county treasurer until the vehicle is the subject of a retail sale. After the sale, the purchaser shall pay the pro rata balance of the light vehicle registration fees,~~

~~local option vehicle taxes or fees, or fees in lieu of tax due and owing on the vehicle.~~

~~(b) A person selling a vehicle or trading a vehicle to a dealer shall disclose to the purchaser any amount of taxes or fees in lieu of tax that are due or past due on the vehicle at the time the person sells a vehicle or trades a vehicle to a dealer. If the disclosure is not made, the person selling the vehicle or trading the vehicle to the dealer shall pay the taxes or fees. Taxes or fees in lieu of tax that are due or past due on a vehicle at the time that a person sells or trades the vehicle to a dealer must be paid by the person who sold or traded the vehicle to the dealer, unless the person who purchases the vehicle from the dealer agrees in writing to assume the payment of those taxes or fees. This subsection (2)(b) does not apply to fleet vehicles, leased vehicles, or rental return vehicles.~~

~~(c) For the purposes of this subsection (2), a retail sale does not include a transfer between any of the following:~~

~~(i) a licensed new motor vehicle or used motor vehicle dealer;~~

~~(ii) another licensed new motor vehicle or used motor vehicle dealer;~~

~~(iii) a licensed wholesaler; or~~

~~(iv) a licensed auto auction.~~

~~(3) In the event that a vehicle's registration period is changed under 61-3-315, all light vehicle registration fees, local option vehicle taxes or fees, fees in lieu of tax, and other fees due must be prorated and paid from the last day of the old period until the first day of the new period in which the vehicle is registered. The light vehicle registration fees, local option vehicle taxes or fees, fees in lieu of tax, and other fees must be paid from the first day of the new period for a minimum period of 1 year. When the change is to a later registration period, light vehicle registration fees, local option vehicle taxes or fees, and other fees must be prorated and paid based on the same tax year as the original registration period. Thereafter, during the appropriate anniversary registration period, each vehicle must again be registered or reregistered and all light vehicle registration fees, local option vehicle taxes or fees, and other fees must be paid for a 12-month period.~~

(2) Motor vehicle registration fees, fees in lieu of tax, and local option taxes or fees imposed under this chapter do not accrue after ownership of the vehicle has been transferred to another person.

(3) (a) For purposes of this chapter and except as provided in subsection (3)(b), the age of a motor vehicle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for calculating the age of the motor home under 61-3-522."

Section 90. Section 61-3-503, MCA, is amended to read:

"61-3-503. Assessment. (1) (a) Except as provided in 61-3-520 ~~and subsection (4) of this section~~, ~~the following apply to the taxation of motor vehicles:~~

~~(a) For the purposes of imposing the local option vehicle tax under 61-3-537,~~ light vehicles subject to ~~the provisions of 61-3-313 through 61-3-316~~ a local option vehicle tax under 61-3-537 must be assessed the tax as of the first day of the registration period, using the depreciated value of the manufacturer's suggested retail price as determined in subsection (2).

(b) A lien for taxes and fees due on the vehicle occurs on the anniversary date of the registration and continues until the fees and taxes have been paid. If the depreciated value is less than $500, the department shall value the vehicle at $500.

(2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated value for the taxation of light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier based on the type and age of the vehicle determined from the following table:

Age of Vehicle (in years)	Type of Vehicle			
	Automobile	Tr uck	Van	Sport Utility
-1	100%	1 00%	100%	100%
0	90	96&# 160;	93	98
1	80	91&# 160;	86	94
2	69	86&# 160;	78	90
3	58	80&# 160;	69	84
4	49	73&# 160;	60	76
5	41	66&# 160;	52	67
6	33	57&# 160;	45	57
7	26	49&# 160;	38	48
8	21	43&# 160;	32	39
9	17	37&# 160;	27	33
10	14	31& #160;	22	29
11	12	26& #160;	18	25
12	10	22& #160;	15	22
13	09	18& #160;	13	21
14	09	15& #160;	11	19
15	09	13& #160;	09	17
16	09	12& #160;	09	15

(b) The age for the light vehicle is determined ~~by subtracting the manufacturer's model year of the vehicle from the calendar year for which the tax is due~~ under 61-3-501.

(c) If the value of the vehicle determined under subsection (2)(a) is $500 or less, the value of the vehicle is $500 and the value must remain at that amount as long as the vehicle is registered.

(d) The depreciated value of a light vehicle that is 17 years old or older is computed by depreciating the value obtained for the vehicle at 16 years old, as determined under subsection (2)(a), by 10% a year until a minimum value of $500 is attained. The value must remain at that amount as long as the vehicle is registered.

(3) (a) For the purposes of this section, "manufacturer's suggested retail price" means the price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first made available for retail sale by the manufacturer.

(b) The manufacturer's suggested retail price is based on standard equipment of a vehicle and does not contain price additions or deductions for optional accessories.

(c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the department shall determine an alternative valuation for the vehicle.

~~(4) The provisions of subsections (1) through (3) do not apply to buses, trucks having a manufacturer's rated capacity of more than 1 ton, truck tractors, motorcycles, motor homes, quadricycles, travel trailers, campers, mobile homes or manufactured homes as those terms are defined in 15-1-101(1).~~"

Section 91. Section 61-3-520, MCA, is amended to read:

"61-3-520. Fees on vehicles used exclusively in filming motion pictures or television commercials. (1) A vehicle used exclusively in the filming of motion pictures or television commercials that has been in the state for a period exceeding 180 consecutive days in a calendar year is subject to ~~a~~ applicable registration ~~fee under 61-3-560 and 61-3-561~~ fees, including one-time registration fees for vehicles subject to permanent registration or a fee in lieu of tax under this chapter as if the vehicle were not used exclusively for filming motion pictures or television commercials, but the registration ~~fee~~ fees or ~~fee~~ fees in lieu of tax must be prorated as provided in subsection (2).

(2) (a) The registration fees or the fees in lieu of tax imposed under subsection (1) must be prorated by dividing the number of days in excess of 180 consecutive days in the calendar year by 365.

(b) Fees on a vehicle imposed pursuant to this section must be collected as provided in this chapter."

Section 92. Section 61-3-522, MCA, is amended to read:

"61-3-522. Schedule of fees for motor homes. (1) The owner of a motor home shall pay ~~a~~ an annual fee in lieu of tax based on the age of the motor home according to the following schedule:

less than 2 years old	& #160;	□ 0;	&# 160;	□ 0;	&	160;	□ 0;	&# 160;	$250		
2 years old and less than 3 years old	& #160;	□ 0;	&# 160;	□ 0;	&	160;	□ 0;	&# 160;	230		
3 years old and less than 4 years old	& #160;	□ 0;	&# 160;	□ 0;	&	160;	□ 0;	&# 160;	195		
4 years old and less than 5 years old	& #160;	□ 0;	&# 160;	□ 0;	&	160;	□ 0;	&# 160;	150		
5 years old and less than 6 years old	& #160;	□ 0;	&# 160;	□ 0;	&	160;	□ 0;	&# 160;	125		
6 years old and less than 7 years old	& #160;	□ 0;	&# 160;	□ 0;	&	160;	□ 0;	&# 160;	100		
7 years old and less than 8 years old	& #160;	□ 0;	&# 160;	□ 0;	&	160;	□ 0;	&# 160;	75		
8 years old and older	□ 0;	&# 160;	□ 0;	&# 160;	□ 0;	&# 160;	65				

(2) ~~(a) Except as provided in subsection (2)(b), the~~ The age of a motor home ~~is~~ must be determined ~~by subtracting the manufacturer's designated model year from the current calendar year~~ under 61-3-501.

~~(b) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~"

Section 93. Section 61-3-527, MCA, is amended to read:

"61-3-527. One-time fee in lieu of tax for motorcycles and quadricycles -- permanent registration. (1) (a) ~~There~~ Except as provided in subsection (2), there is a one-time fee in lieu of property tax of ~~$20 in calendar year 2004 and, in each subsequent year,~~ $40 imposed on motorcycles and quadricycles that are subject to one-time registration. The fee is in addition to registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle with a special license ~~plates~~ plate issued under 61-3-415 shall pay ~~an annual fee based on the age of the motorcycle or quadricycle and the size of the engine, according to the following schedule:~~

~~(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter~~

~~to 600 cubic centimeters is as follows:~~

~~(i) less than 5 years old, $30;~~

~~(ii) 5 years old but less than 11 years old, $15; and~~

~~(iii) 11 years old and older, $6~~ the $40 one-time registration fee imposed under subsection (1), the $1.25 one-time fee imposed under subsection (3), and the fees imposed under 61-3-415.

~~(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:~~

~~(i) less than 5 years old, $55;~~

~~(ii) 5 years old but less than 11 years old, $20; and~~

~~(iii) 11 years old and older, $6.~~

~~(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:~~

~~(i) less than 5 years old, $90;~~

~~(ii) 5 years old but less than 11 years old, $50; and~~

~~(iii) 11 years old and older, $6.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

~~(4)~~(3) A person who registers a motorcycle or quadricycle as provided in this section shall pay an additional one-time fee of $1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the $1.25 fee collected under this subsection from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

~~(5)~~(4) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. (Subsection ~~(4)~~ (3) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

Section 94. Section 61-3-529, MCA, is amended to read:

"61-3-529. Schedule of fees for buses, motor vehicles having rated capacity of more than 1 ton, and truck tractors -- proration -- exemption. (1) (a) There is ~~a~~ an annual fee in lieu of property tax imposed on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer of buses, trucks, or truck tractors that constitute inventory of the dealership.

(2) Subject to the conditions of subsection (4), the owner of a bus, truck with a manufacturer's rated capacity of more than 1 ton, or truck tractor shall pay a fee in lieu of tax based on the age and manufacturer's rated capacity of the vehicle according to the following schedule:

Age of Vehicle Rated Capacity (in pounds)

(in years) 16,999 or less & #160; 17,000-26,999 □ 0; 27,000-54,999 □ 60; 55,000 or more

1 or less & #160; $117 ; □ 60; $167 □ 60; & #160; $284 □ 0; $375

2 □ 0; &# 160; 109 □ 60; & #160; 150 & #160; 250< span> □ 0; 300

3 □ 0; &# 160; 100 □ 60; & #160; 134 & #160; 220< span> □ 0; 266

4 □ 0; &# 160; 92 □ 0; &# 160; < /span>117 &# 160; □ 0;184 □ 0; 242

5 □ 0; &# 160; 83 □ 0; &# 160; < /span>109 &# 160; □ 0;160 □ 0; 195

6 □ 0; &# 160; 75 □ 0; &# 160; < /span>100 &# 160; □ 0;134 □ 0; 167

7 □ 0; &# 160; 66 □ 0; &# 160; 91 &# 160; □ 0; 117 □ 0; 14 7

8 □ 0; &# 160; 58 □ 0; &# 160; 83 &# 160; □ 0; 100 □ 0; 12 5

9 □ 0; &# 160; 50 □ 0; &# 160; 75 &# 160; □ 0; 92 □ 0; &# 160;109

10 □ 0; &# 160; 41 □ 0; &# 160; < /span>58 □ 60; & #160; 79 &# 160; □ 0;92

11-12 □ 60; & #160; 33□ 60; & #160; 50 &# 160; □ 0; 67 □ 0; &# 160; 76

13-14 □ 60; & #160; 28□ 60; & #160; 37 &# 160; □ 0; 52 □ 0; &# 160; 61

15-16 □ 60; & #160; 25□ 60; & #160; 30 &# 160; □

0; 38 □ 0; &# 160; 47

17-18 □ 60; & #160; 18□ 60; & #160; 26 &# 160; □

0; 29 □ 0; &# 160; 36

19-20 □ 60; & #160; 13□ 60; & #160; 19 &# 160; □

0; 22 □ 0; &# 160; 26

21 or more □ 0;10 □ 0; 12 □ 0; &# 160; 16 &#

160; 20

(3) The age of the vehicle ~~is~~ must be determined ~~by subtracting the manufacturer's model year of the vehicle from the calendar year for which the fee in lieu of tax is due~~ under 61-3-501.

(4) (a) The manufacturer's rated capacity for a bus or truck with a manufacturer's rated capacity of more than 1 ton is the manufacturer's rated gross vehicle weight.

(b) The manufacturer's rated capacity for a truck tractor is the manufacturer's rated gross combined weight.

~~(5) A motor vehicle brought into the state or otherwise used for the exclusive purpose of filming motion pictures or television commercials is exempt from the fee in lieu of tax if the vehicle does not remain in the state for a period in excess of 180 consecutive days in a calendar year.~~

~~(6)~~(5) Except as provided in 61-3-520, the fee in lieu of tax on a vehicle subject to this section that is brought or driven into this state by a nonresident person for hire, compensation, or profit must be prorated ~~according to the ratio that the remaining number of months in the year bears to the total number of months in the year~~ as determined and paid under 61-3-701.

~~(7) (a) The fee in lieu of tax on a vehicle subject to this section that is registered in the state for the first time must be prorated as provided in subsection (6).~~

~~(b) The fee in lieu of tax on a vehicle subject to this section that is reregistered in the state is for a full year.~~

~~(8)~~(6) The fee in lieu of tax may not be refunded."

Section 95. Section 61-3-535, MCA, is amended to read:

"61-3-535. Vehicle ~~reregistration by mail~~ renewal -- reminder notice and ~~reregistration notice~~ renewal by mail. (1) The ~~department may allow the~~ owner of a motor vehicle ~~to~~ subject to renewal of registration under 61-3-312 may renew the registration of a vehicle by mail or by electronic methods when the value, age, length, weight, or other criteria used to determine the tax or fee for a particular type of vehicle is available to the department by electronic means.

(2) Any mail ~~reregistration~~ renewal procedure developed by the department must include a procedure to facilitate automated handling of mail ~~reregistration~~ renewal and must provide for a written reminder notice by mail to a vehicle owner of the requirement to ~~reregister the owner's vehicle with the county treasurer or to apply~~

~~for the annual~~ renew the vehicle's registration ~~decal~~.

~~(3) The department shall adopt rules to implement the mail reregistration and registration decal application procedure.~~"

Section 96. Section 61-3-560, MCA, is amended to read:

"61-3-560. Light vehicle registration fee -- exemptions -- 24-month registration. (1) Except as provided in subsections (2) and (3), there is ~~a~~ an annual registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(2) The following vehicles are exempt from the fee imposed in subsection (1):

(a) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

(b) a light vehicle owned by a person eligible for a waiver of registration fees under 61-3-460;

(c) a light vehicle registered under 61-3-456.

(3) A dealer for light vehicles is not required to pay the registration fee for light vehicles that constitute inventory of the dealership ~~and that are reported under 61-3-501~~.

~~(4) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period. However, the registration fees required under 61-3-321(1)(a) or (1)(b) paid at the time of registration or reregistration apply for the entire registration period.~~"

Section 97. Section 61-3-561, MCA, is amended to read:

"61-3-561. Schedule of fees for light vehicles -- limitation on fee -- payment of fee required for operation. (1) The following schedule, based on vehicle age, is used to determine the annual registration fee imposed by 61-3-560:

Vehicle Age (in years) □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; Annual Fee

4 or less & #160; □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; □ 0; $195

5-10 □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; □ 0; 65

11 or more □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; 6

(2) A light vehicle subject to the registration fee imposed by 61-3-560 may not be operated unless the fee has been paid and the vehicle is licensed. A lien for fees due on the vehicle occurs on the anniversary date of the registration and continues until the fees have been paid.

(3) ~~For the purposes of this section, "vehicle age" means the~~ The age of the light vehicle must be determined ~~by subtracting the manufacturer's model year of the vehicle from the calendar year for which the registration fee is due~~ under 61-3-501."

Section 98. Section 61-3-562, MCA, is amended to read:

"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules. (1) (a) Except as provided in subsection (1)(c), the owner of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-561, may permanently register the vehicle upon payment of a $50 registration fee, the applicable registration and license fees under 61-3-321 and 61-3-412, and an amount equal to five times the applicable fees imposed for each of the following:

~~(i) junk vehicle disposal fees under 15-1-122(3)(a);~~

~~(ii) weed control fees under 15-1-122(3)(b);~~

~~(iii) the former county motor vehicle computer fees under 61-3-511;~~

~~(iv)~~(i) the local option vehicle tax or flat fee on vehicles under 61-3-537;

~~(v)~~(ii) if applicable, ~~special license plate fees under 61-3-332 and~~ renewal fees for personalized plates under 61-3-406; and

~~(vi)~~(iii) senior citizens and persons with disabilities transportation services fees as provided in ~~61-3-321(6)~~ 61-3-321(5).

(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional $2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the $2 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(c) The following series of license plates may not be used for purposes of permanent registration of a vehicle:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

~~(iii) license plates bearing a wheelchair design as a symbol of a person with a disability issued under 61-3-332(11);~~

~~(iv)~~(iii) amateur radio operator license plates issued under 61-3-422;

~~(v)~~(iv) collegiate license plates issued under 61-3-465; and

~~(vi)~~(v) generic specialty license plates issued under 61-3-479.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a motor vehicle that is permanently registered under this section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall:

(a) distribute the $50 registration fee collected under this section as provided in 61-3-509;

(b) once each month, remit to the department of revenue the amounts collected under this section, other than the local option vehicle tax or flat fee, for the purposes of ~~61-3-321(3)~~ 61-3-321(2) and 61-10-201. The county treasurer shall retain the local option vehicle tax or flat fee.

(5) (a) The permanent registration of a motor vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.

(b) Upon transfer of a motor vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and 61-3-216 and ~~file an application for registration~~ register the motor vehicle under 61-3-303. (Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

Section 99. Section 61-3-701, MCA, is amended to read:

"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity. (1) ~~Before~~ A person may not operate a motor vehicle that is registered in another jurisdiction ~~may be operated~~ on the highways of this state if the motor vehicle is used for hire, compensation, or profit or ~~before the owner or user of the vehicle uses the vehicle~~ if the ~~owner or user~~ person is engaged in gainful occupation or business enterprise in the state, including highway work, ~~the owner of the vehicle shall register~~ unless the motor vehicle is registered at the office of a county treasurer or an authorized agent of the department. Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by ~~15-8-201, 15-8-202, 15-24-301~~ 61-3-321, 61-3-529, 61-3-537, or 61-3-560 and 61-3-561, the treasurer or authorized agent shall enter the vehicle for registration purposes only on the electronic registry maintained by the department under 61-3-101. One-fourth of the annual fees or taxes due on the motor vehicle subject to registration under this section must be paid for each calendar quarter or portion of a calendar quarter for the year that the motor vehicle will be located or

operated in Montana.

(2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue to the motor vehicle owner a registration receipt, ~~and the proper~~ license plates, ~~or other identification markers~~ and a registration decal indicating the calendar quarter and year for which the motor vehicle is registered. The license plates, with attached registration decal, ~~or identification markers~~ must at all times be displayed upon the motor vehicle when operated or driven upon roads and highways of this state during the registration period indicated on the receipt.

(3) The registration receipt does not constitute evidence of ownership but must be used only for registration purposes. A Montana certificate of title may not be issued for a motor vehicle registered under this section.

(4) This section is not applicable to a motor vehicle covered by a valid and existing reciprocal agreement or declaration entered into under Montana law."

Section 100. Section 61-3-707, MCA, is amended to read:

"**61-3-707. ~~Foreign vehicles used for transportation in connection with employment~~ Health care professional exception.** ~~(1) (a) Before a motor vehicle that has been assessed a fee pursuant to 15-24-301(4) may be operated in Montana for a calendar quarter, the person responsible for payment of fees shall apply for and obtain a window decal provided by the department.~~

~~(b) Decals must be color-coded to distinguish the four quarterly registration periods of the year.~~

~~(c) An applicant may purchase a decal for more than one registration quarter at a time by paying the appropriate amount.~~

~~(d) There is a $2 fee for each decal, and money collected from this fee must be deposited to the state general fund. The $2 fee is in addition to the registration fee.~~

~~(e) A current window decal must be displayed on the lower right-hand corner of the windshield.~~

~~(2) (a)~~(1) Before a motor vehicle exempted pursuant to 15-6-217 may be operated in Montana, the person responsible for the motor vehicle shall apply for and obtain a window decal from the county treasurer. The fee for the decal is $2, which must be remitted to the state and deposited in the state general fund. The department shall supply the decals to the county treasurers.

~~(b)~~(2) An application approved by the department must include a verification from the employer that the person is employed by a Montana health care facility that is located in an area that has been:

~~(i)~~(a) designated by the secretary of the federal department of health and human services as a health professional shortage area, as provided in 42 U.S.C. 254(e); or

~~(ii)~~(b) determined to have a critical shortage of nurses, as provided in 42 U.S.C. 297n(a)(3).

~~(c)~~(3) Decals expire each year on December 31 of the year in which issued, and application for ~~reregistration~~

renewal of registration must be filed with the county treasurer no later than February 15 of each year. Decals must be color-coded to distinguish the year.

~~(d)~~(4) A current window decal must be displayed on the lower right-hand corner of the windshield."

Section 101. Section 61-3-721, MCA, is amended to read:

"61-3-721. Proportional registration of fleet vehicles, registration periods, application, fee formula, and payment -- transfer of ownership -- transfer of license plates. (1) An owner of one or more fleets may register and license each fleet for operation in this state by filing an application with the department of transportation. The application must contain the information pertinent to vehicle registration that is required by the department of transportation. If an electronic record of title has not been created for or a certificate of title issued for an apportionable vehicle in the fleet, the department of transportation, as an authorized agent of the department of justice, may also process the application for certificate of title for the vehicle as provided in 61-3-203 and 61-3-217.

(2) Each fleet subject to the provisions of 61-3-711 through 61-3-733 must, except as provided in 61-3-318 (1) and subsection (6) of this section, be registered for an annual registration period based upon the date that the fleet is first registered in this state.

(3) There are four annual registration periods, each of which begins on the first day of a calendar quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31. The periods are:

(a) January 1 through March 31 &# 160; □ 0; &# 160; □ 0; &# 160; 1st period

(b) April 1 through June 30 &# 160; □ 0; &# 160; □ 0; &# 160; 2nd period

(c) July 1 through September 30 &# 160; □ 0; &# 160; □ 0; &# 160; 3rd period

(d) October 1 through December 31 &# 160; □ 0; &# 160; □ 0; &# 160; 4th period

(4) Registration of a fleet of apportionable vehicles under subsection (2) must be renewed on or before the last day of the month for the designated annual registration period unless a different registration period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous registration of multiple fleets of apportionable vehicles in common ownership.

(5) Except as provided in subsection (6), the application for each fleet may be accompanied by a fee payment computed by:

(a) dividing in-state miles by total fleet miles as defined in the applicable agreement entered into pursuant to 61-3-711 through 61-3-733;

(b) determining the total amount necessary to register each vehicle in the fleet for which registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and chapter 10, part 2, and the property taxes that are due on the fleet;

(c) multiplying the sum obtained under subsection (5)(b) by the fraction obtained under subsection (5)(a).

(6) (a) Each trailer and semitrailer fleet must be registered for a 5-year period based upon the date that the fleet is first registered in this state.

(b) Each trailer and semitrailer in the fleet for which registration is requested must be assessed a registration fee equal to five times the amount prescribed by 61-3-321.

(c) Each trailer or semitrailer must be issued a license plate, a distinctive sticker, or other suitable identification device valid for 5 years from the date of the original application or renewal application.

(d) Registration of a trailer or semitrailer must be renewed on or before the last day of the month for the designated 5-year registration period.

(7) Upon the transfer of ownership of a trailer or semitrailer, the registration of the trailer or semitrailer expires and it is the duty of the transferor to immediately remove the license plates from the trailer or semitrailer.

(8) (a) If the transferor applies for the registration of another trailer or semitrailer at any time during the remainder of the current registration period as shown on the original registration, the transferor may file an application with the department of transportation, accompanied by the original certificate of registration, for the transfer of the license plates. The application for transfer of the license plates must be made by the person or motor carrier in whose name the original license plates to the trailer or semitrailer were issued. The use of the license plates is not legal until the proper transfer of license plates has been made.

(b) License plates may be transferred pursuant to this section without transferring ownership of the trailer or semitrailer for which the license plates were originally issued.

(c) Upon transfer of the license plates, the registration of the trailer or semitrailer from which the license plates were transferred expires. The registration for the trailer or semitrailer must be surrendered to the department of transportation with the application for transfer.

(d) License plates issued for a trailer or semitrailer under this section may be transferred only to a replacement trailer or semitrailer. A license plate fee may not be assessed upon transfer of a license plate.

(9) Applications submitted with fees may be recomputed by the department of transportation. The department of transportation shall furnish a statement showing the overpayment or balance due.

(10) Applications submitted without fees must be computed by the department of transportation. The department of transportation shall furnish a statement showing the amount of fees due."

Section 102. Section 61-4-101, MCA, is amended to read:

"61-4-101. Dealer's license -- types of licenses and terms -- plates -- bonds -- zoning. (1) Except as provided in 61-4-125, a person may not engage in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker of a new motor vehicle or used motor vehicle, new or used recreational vehicle, trailer (except a trailer having an unloaded weight of less than 500 pounds), motorcycle, quadricycle, or special mobile equipment that is not registered in the person's name, unless the person is the holder of a dealer's license issued by the department under this part.

(2) (a) The department is authorized to issue a dealer's license for one or more specified vehicle types to any person it determines is qualified to hold a license under the provisions of this section. A dealer's license may be issued for, and restricted to, one or more of the following vehicle types:

(i) new motor ~~vehicle~~ vehicles, including new trucks, buses, and light vehicles covered under the franchise the dealer holds as franchisee and used trucks, buses, recreational vehicles, light vehicles, and trailers;

(ii) used motor ~~vehicle~~ vehicles, including used trucks, buses, and light vehicles;

(iii) new recreational ~~vehicle~~ vehicles, including new motor homes and travel trailers covered under the franchise the dealer holds as franchisee and used motor homes and travel trailers;

(iv) used recreational ~~vehicle~~ vehicles, including used motor homes and travel trailers;

(v) ~~trailer~~ trailers, including semitrailers and pole trailers, but excluding travel trailers;

(vi) ~~or~~ special mobile equipment; or

~~(vi)~~(vii) ~~motorcycle~~ motorcycles or ~~quadricycle~~ quadricycles, including new or used motorcycles or quadricycles, but excluding new off-highway vehicles unless the dealer is licensed under Title 23.

(b) The department shall design and issue dealer and demonstrator plates as provided in 61-4-102 and 61-4-129.

(c) ~~With the exception of a licensed new motor vehicle dealer, a~~ A dealer licensed for a particular type of vehicle may sell, trade, or accept on consignment only vehicles of the type for which the license is authorized~~, unless the dealer's license specifically refers to more than one vehicle type, such as a motorcycle or quadricycle license~~ under subsection (2)(a). ~~A new motor vehicle dealer is authorized to sell, trade, or accept on consignment new motor vehicles or used motor vehicles.~~

(d) Subject to the provisions of 61-4-124, a dealer's license issued by the department is valid until:

(i) voluntarily returned to the department for surrender and cancellation upon the cessation of the dealer's business operations; or

(ii) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor vehicles.

(3) (a) An applicant for a dealer's license shall submit a written application for a dealer's license to the department, specifying the type or types of dealer's license sought. The application must be signed by the applicant and contain a verification by the applicant, under penalty of law, that the information contained in the application is true and correct. Any information provided in the license application process is subject to independent verification by the department or an authorized representative of the department.

(b) After examining a license application and conducting an investigation necessary to verify the information contained in the application and if the department is satisfied that the applicant qualifies for the issuance of a license under the provisions of this chapter, the department may issue the license. The department may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for licensure or whose prior financial or other activities or criminal record, as determined by the department:

(i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

(ii) poses a threat to the public interest of the state; or

(iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed dealership, wholesaler, or auto auction.

(4) To be qualified for licensure as a dealer, an applicant shall provide to the department the following:

(a) the name under which the applicant intends to conduct business and the name, address, date of birth, and social security number of any person who possesses or will possess an ownership interest in the business for which the license is sought. If the applicant is a corporation, the personal information required in this subsection (4)(a) must be provided for each corporate officer and the person designated by the corporation to manage or oversee the dealership.

(b) for each person subject to the provisions of subsection (4)(a), information concerning whether the person has:

(i) an ownership interest in a vehicle dealership or a wholesaler business in Montana or another jurisdiction and, if so, the name and address of each dealership or wholesaler; and

(ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

(c) the name, address, and telephone number of the insurance carrier from whom the applicant has acquired general liability insurance, naming the department as a certificate holder of the policy, and the name, address, and telephone number of the local insurance agent for the carrier and the applicant's policy number. The insurance must cover any vehicle bearing dealer or demonstrator license plates that is offered for demonstration or loan to, or otherwise operated by, a customer in the regular course of the applicant's business and must be for a minimum of 1 year;

(d) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale and of a permanent nonresidential building that will be maintained to store the actual physical or electronic records resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is sought. An applicant may use more than one location to display vehicles for sale if the maximum distance between each display lot does not exceed 200 feet and if the distance between a display lot and the building in which vehicle sales records are stored does not exceed 1,000 feet.

(e) for each geographic location specified in the application, evidence of the applicant's compliance with applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance may be documented by means of a written verification of compliance signed by the authorized representative of the local land use planning or zoning board or the local business permitting agency.

(f) a diagram or plat showing the geographic location, lot dimensions, and building and sign placement for the applicant's proposed established place of business, along with two or more photographs of the geographic location, building premises, and sign, as prescribed by the department;

(g) a certification by the applicant that the applicant is a bona fide dealer in new motor vehicles, used motor vehicles, new recreational vehicles, used recreational vehicles, trailers, motorcycles, quadricycles, or special mobile equipment;

(h) if the applicant is seeking a new motor vehicle dealer's license:

(i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a written new motor vehicle franchise or sales agreement and the name and make of all motor vehicles to be handled by the applicant;

(ii) the geographic location or locations, specified in writing, upon which the applicant will provide and maintain a permanent building to display and sell new motor vehicles and offer and maintain a bona fide service department for the repair, service, and maintenance of the motor vehicles; and

(iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter; and

(i) if the applicant is applying for a new recreational vehicle dealer's license, certification that the person is recognized by a manufacturer, importer, or distributor as a dealer in new recreational vehicles.

(5) If an applicant for a new motor vehicle or used motor vehicle, new or used recreational vehicle, or trailer dealer's license wants to maintain more than one established place of business, the applicant shall file a separate license application for each proposed place of business and otherwise qualify for licensure at each place separately.

(6) Each application under this section must be accompanied by an application fee of $5 and one or more of the following license fees based on the type of dealer's license being sought:

(a) $25 for a new motor vehicle dealer's license;

(b) $25 for a used motor vehicle dealer's license;

(c) $25 for a new or used recreational vehicle dealer's license; or

(d) $25 for a motorcycle or trailer dealer's license.

(7) The applicant for a dealer's license shall also file with the application a bond of $50,000 for a license as a new motor vehicle dealer, a used motor vehicle dealer, a new or used recreational vehicle dealer, or a trailer dealer. Applicants for a motorcycle dealer's license shall file a bond in the sum of $15,000. All bonds must be conditioned that the applicant shall conduct the business in accordance with the requirements of the law. The bond may extend to any other type of dealer license issued to the applicant at the same geographic location if all types of licenses are indicated on the face of the bond. All bonds must be approved by the department, must be filed in its office, and must be renewed annually."

Section 103. Section 61-4-102, MCA, is amended to read:

"61-4-102. *Dealer's license numbers -- assignment, numbering, and limitation of dealer plates -- restriction of use -- fees.* (1) Upon the licensing of a dealer, the department shall assign to the dealer a distinctive serial license number as a dealer and furnish the dealer with one or more sets of numbered dealer plates in accordance with the provisions of this section.

(2) (a) Dealer plates designed by the department must be similar to the ~~numbered~~ standard license plates furnished to owners of motor vehicles under 61-3-332, but they must bear:

(i) the license number assigned to the dealer;

(ii) an abbreviation for the vehicle type of the dealer's license issued, as follows:

(A) the letter "D" for a new motor vehicle dealer;

(B) the letters "UD" for a used motor vehicle dealer; or

(C) the letters "RV" for a new or used recreational vehicle dealer; and

(iii) the actual number of sets of dealer plates issued to the dealer.

(b) Dealer plates may not be issued to a motorcycle or trailer dealer or a wholesaler.

(3) Dealer plates must contain the prefix of the county in which the dealer's established place of business is located, followed by the dealer's license type abbreviation, the dealer's license number, and the number of sets of dealer plates issued to that dealer. For example, new motor vehicle dealer number 4 in Lewis and Clark County would be numbered 5D-4, and if the dealer were issued three sets of dealer plates, they would be numbered consecutively as follows, 5D-4-1, 5D-4-2, and 5D-4-3.

(4) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for a dealer's license shall pay an annual fee of $25 for each set of numbered dealer plates requested and issued.

(b) The number of dealer plates that may be issued to a dealer must be determined as follows:

(i) a dealer is entitled to one set of dealer plates upon the issuance of an original license or a renewed license;

(ii) an applicant qualified for a license renewal is entitled to additional sets of numbered plates based on the following formula:

(A) 5% of the first 100 vehicle sales for the previous year; plus

(B) 3% of the next 100 vehicle sales for the previous year; plus

(C) 2% of vehicle sales in excess of 200 for the previous year; and

(iii) a dealer is entitled to additional sets of dealer plates during a license term as the dealer's sales incrementally meet or exceed the requirements of the formula established in subsection (4)(b)(ii). However, the aggregate number of sets of dealer plates issued to a dealer under this subsection (4)(b)(iii) may not exceed the combined number allowed under subsections (4)(b)(i) and (4)(b)(ii).

(5) (a) A dealer is authorized to use and display dealer plates on a motor vehicle held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the dealer's spouse, officers, or employees.

(b) For purposes of this subsection (5):

(i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the importer's distribution agreement and the term "employees" means persons upon whom the dealer has paid social security taxes as a full-time employee; and

(ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a vehicle bearing dealer plates is prima facie evidence that the vehicle is offered for bona fide sale by the dealer.

(6) Dealer plates may not be used or displayed on vehicles used for hire, lease, or rental.

(7) (a) A dealer is accountable for each set of numbered dealer plates issued and, except as provided in subsection (7)(b), shall file an annual report with the department certifying the disposition of each set of dealer plates assigned to the dealer and specifying the name, address, and occupation of the person primarily using each set of plates.

(b) Upon reassignment of one or more sets of dealer plates to another person, within 15 days of the reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name, address, and occupation of the person to whom the plates were assigned.

(8) (a) All numbered dealer plates expire on December 31 of the year of issue and must be renewed annually.

(b) A dealer who files the annual report required under 61-4-124 on or before December 31 of the calendar year may display or use dealer plates assigned and registered for the prior calendar year through the last day of February of the following year, as provided in 61-4-124(5)."

Section 104. Section 61-4-111, MCA, is amended to read:

"61-4-111. Used motor vehicles -- transfer to and from dealers. (1) Except as provided in 61-4-124(6), a licensed dealer, broker, or wholesaler who intends to resell a used motor vehicle and who operates the vehicle only for demonstration purposes:

(a) is exempt from registration under ~~61-3-201(2)~~ 61-3-302(3) when applying for a certificate of title; and

(b) may transfer or receive ownership of a motor vehicle by use of a dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title has been completed, ownership of the vehicle may not be transferred until an application for a certificate of title has been submitted by the dealer to the department and a new certificate of title has been issued.

(2) Upon the transfer of a used motor vehicle to a person other than a licensed dealer, broker, or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the used motor vehicle was transferred if the dealer is an authorized agent, as defined in [section 2]. In addition, the following acts are required of the dealer on or before the times set forth in this subsection:

~~(a) Prior to delivery of the vehicle to the purchaser, the dealer shall issue a temporary registration permit for the vehicle and affix the temporary registration permit to the vehicle in a manner prescribed by the department. The temporary registration permit issued by the dealer is valid for 20 days from the date of issuance. There must be imprinted on the temporary registration permit in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER". Unless a durable license plate style placard is issued, one copy of the temporary registration permit must be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2)(b), and a copy must be retained by the dealer for the dealer's file. If a durable placard is issued, the dealer shall create and retain the relevant records as prescribed by the department. It is unlawful for the dealer to issue more than one 20-day temporary registration permit for each vehicle sale.~~

~~(b)~~(a) Within ~~4 working~~ 30 calendar days following the date of delivery of the motor vehicle, the dealer shall forward to the county treasurer of the county where the ~~purchaser resides~~ vehicle is domiciled:

(i) the assigned certificate of title or, if a certificate of title for the vehicle has not been issued in this state, a copy of the then-current registration receipt or certificate in the dealer's possession; and

(ii) an application for a certificate of title executed by the new owner in accordance with the provisions of ~~61-3-221 and 61-3-322~~ 61-3-216 and 61-3-220~~; and~~

~~(iii) a copy of the temporary registration permit affixed to the vehicle by the dealer~~.

~~(c)~~(b) Transmission of the documents by the dealer to the county treasurer may be accomplished either by personal delivery, ~~or~~ by first-class mail, ~~in which event they are considered to have been delivered at the time of mailing~~ or by electronic means, as authorized by the department.

~~(d)~~(c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the time set forth in subsection ~~(2)(b)~~ (2)(a) because the certificate of title is lost, is in the possession of third parties, or is in the process of reissuance in this state or elsewhere, the dealer shall comply in all other respects with the provisions of subsection ~~(2)(b)~~ (2)(a) and shall forward the missing document or documents to the county treasurer, either personally or by first-class mail, within 3 days after receipt.

(3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle is considered to have passed to the purchaser as of the date of the delivery of the vehicle to the purchaser by the dealer, and the dealer has no further liability or responsibility with respect to the processing of registration.

(4) Upon receipt from the county treasurer of the documents required under subsection (2), the department shall:

(a) update the electronic record of the title maintained by the department under 61-3-101; or

(b) issue a certificate of title if requested under 61-3-216(2)(f); and

(c) comply with the applicable provisions of Title 61, chapter 3, parts 1 through 3.

(5) For purposes of this section, "motor vehicle" includes a trailer as defined in 61-1-111."

Section 105. Section 61-4-112, MCA, is amended to read:

"61-4-112. New motor vehicles -- transfers by dealers. (1) (a) When a motor vehicle dealer transfers a new motor vehicle to a purchaser or other recipient, the dealer shall:

~~(a) issue and affix a temporary registration permit, as prescribed in 61-4-111(2)(a), for transfers of used motor vehicles and retain a copy of the temporary registration permit or, if a durable license-plate-style placard is issued, affix the placard and create and retain all other relevant records prescribed by the department;~~

~~(b)~~ within ~~4 working~~ 30 calendar days following the date of delivery of the new motor vehicle, forward to the county treasurer of the county where the ~~purchaser or recipient resides~~ vehicle is domiciled:

~~(i) one copy of the temporary registration permit issued under subsection (1)(a) or a copy of the information described in the records concerning a placard;~~

~~(ii)~~(i) an application for a certificate of title with a notice of security interest, if any, executed by the purchaser or recipient; and

~~(iii)~~(ii) a manufacturer's certificate of origin that shows that the vehicle has not previously been registered or owned, except as otherwise provided in this section, by any person other than a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

(b) If the dealer is an authorized agent, as defined in [section 2], a temporary registration permit may be issued under 61-3-224 to the person to whom the new motor vehicle was transferred.

(2) Upon receipt from the county treasurer of the documents required under subsection (1), the department

shall issue a certificate of title if requested under 61-3-216(2)(f) and otherwise comply with the provisions of Title 61, chapter 3, parts 1 through 3, as applicable."

Section 106. Section 61-4-121, MCA, is amended to read:

"61-4-121. ~~Twenty-day temporary~~ Temporary registration permit -- limitation on issuance and transfer -- violation -- penalty. (1) ~~(a) A~~ If the dealer is an authorized agent, as defined in [section 2], the dealer may not issue more than one ~~20-day~~ temporary registration permit under 61-4-111 or 61-4-112 for each vehicle sale.

~~(b) A dealer may not transfer 20-day temporary registration permits to another dealer unless the dealer:~~

~~(i) notifies the department within 3 days of the transfer;~~

~~(ii) identifies to the department the dealer to whom any temporary registration permits have been transferred;~~

~~(iii) informs the department of the date of the transfer and the quantity and serial numbers of the transferred temporary registration permits.~~

(2) A dealer who violates the provisions of subsection (1) is subject to revocation of the privilege to issue ~~20-day~~ temporary registration permits for a period of time determined by the department."

Section 107. Section 61-4-222, MCA, is amended to read:

"61-4-222. Fees. (1) Upon making the application required under 61-4-221, the manufacturer shall pay to the department a fee of $250, which entitles the manufacturer to one set of ~~number~~ license plates, and an additional fee of $20 for each additional set of ~~number~~ license plates. The manufacturer may receive one set of ~~number~~ license plates for each manufacturer's representative.

(2) The fees provided for in subsection (1) do not apply to the manufacturer of a personal watercraft as defined in 23-2-502, a snowmobile as defined in 23-2-601, or an off-highway vehicle as defined in 23-2-801."

Section 108. Section 61-4-223, MCA, is amended to read:

"61-4-223. Assignment of numbers. (1) Upon the licensing of a manufacturer under 61-4-202, the department shall assign to the manufacturer a distinctive serial number and, after payment of fees provided for in 61-4-222, furnish every qualified manufacturer's representative of that manufacturer with one set of ~~number~~ license plates. Assigned ~~number~~ license plates must be similar to ~~number~~ standard license plates furnished to owners of motor vehicles but must bear, in addition to the serial number assigned to the manufacturer, the letters "MFG".

(2) The department shall cause to be placed on each set of license plates issued to a manufacturer a serial number assigned to the manufacturer and the actual number of license plates issued to the manufacturer. The

department shall provide nonremovable stickers bearing the appropriate county designation. The stickers must be affixed to the license plates in use in accordance with instructions by the department.

(3) A manufacturer's representative who qualifies as provided in 61-4-221(1) may display manufacturer's license plates on a motor vehicle held for bona fide sale or used solely in the conduct of the manufacturer's business and operated by or under the control of the manufacturer's representative.

(4) When the department has reasonable cause to believe, from an investigation made by it or information furnished to it by a sheriff or any other law enforcement officer, that a manufacturer has been improperly licensed, has used the manufacturer's license other than as authorized in this section, or is not qualified as a manufacturer under the requirements of this part, the department may revoke the manufacturer's license."

Section 109. Section 61-4-310, MCA, is amended to read:

"61-4-310. Single movement permit -- fee -- limitation -- county treasurer to issue. (1) ~~(a)~~ A vehicle~~,~~ subject to ~~license under this title~~ registration under chapter 3~~, or a mobile home~~ may be moved unladen upon the highways of this state from a point within the state to a point of destination. The county treasurer at the point of the origin of the movement shall issue a special permit for the vehicle in lieu of fees required under 61-3-321 and part 2 of chapter 10 of this title upon application presented to the county treasurer in a form provided by the department, upon exhibiting to the county treasurer proof of ownership and evidence that the personal property taxes or fees in lieu of property tax on the vehicle, if any are due, have been paid, and upon payment of a fee of $5. The fee must be forwarded to the department of revenue for deposit in the state general fund. The permit is not in lieu of fees and permits required under 61-4-301 and 61-4-302.

~~(b) For purposes of this section, a mobile home is considered unladen when all items are removed except the equipment originally installed by the manufacturer and the personal effects of the owners.~~

(2) The permit is for the transit of the vehicle ~~or mobile home~~ only, and the vehicle ~~or mobile home~~ may not at the time of the transit be used for the transportation of any persons, except the driver, or any property for compensation or otherwise and is for one transit only between the points of origin and destination as set forth in the application and shown on the permit.

(3) A junk vehicle being driven or towed to a motor vehicle wrecking facility or a motor vehicle graveyard for disposal is exempt from the provisions of this section. The definitions in 75-10-501 apply to this subsection.

(4) A manufactured home, mobile home, or housetrailer may be moved unladen upon the highways of this state from a point within the state to a point of destination only if a tax-paid receipt authorizing the move has been issued under 15-24-206."

Section 110. Section 61-5-103, MCA, is amended to read:

"61-5-103. Residency requirement. (1) A person who has resided in Montana for more than ~~120~~ 60 consecutive days is considered to be a resident for the purpose of being licensed to operate a motor vehicle and must be licensed under the laws of Montana before operating a motor vehicle.

(2) A person who operates a commercial motor vehicle in Montana is considered to be a resident of Montana for the purpose of being licensed to operate a commercial motor vehicle if the person has resided in Montana for more than 30 consecutive days and must be licensed under the laws of Montana before operating any commercial motor vehicle."

Section 111. Section 61-5-111, MCA, is amended to read:

"61-5-111. Contents of a driver's license, renewal, renewal by mail, license expirations, grace period, and fees for licenses, permits, and endorsements -- notice of expiration. (1) (a) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts. The department shall adopt necessary rules governing sales. In areas in which the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell receipts.

(b) The department may enter into an authorized agent agreement with the county treasurer of any county in which the department no longer maintains a driver examination station for the purpose of providing driver license renewal services.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, Montana mailing address, and a brief description of the licensee; and

(iv) either the licensee's customary signature or a digital reproduction of the licensee's customary signature.

(b) The department may not use the licensee's social security number as the distinguishing number unless the licensee expressly authorizes the use. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and skills test if:

(i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate

to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

(b) In the case of a commercial driver's license, the department shall, if the information was not provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the renewal application and may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 6 months before or 3 months after the expiration of the person's license. Except as provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.

(d) (i) A person may renew a driver's license by mail if the person certifies that the person is temporarily out of state and will not be returning to the state prior to the expiration of the license.

(ii) An applicant who renews a driver's license by mail shall submit to the department an approved vision examination and a medical evaluation from a licensed physician in addition to the fees required for renewal.

(iii) If the department does not have a digitized photograph or signature record of the renewal applicant from the expiring license, then the department may require the renewal applicant to submit a personal photograph and signature that meets the requirements prescribed by the department.

(iv) The term of a license renewed by mail is 4 years, and a person may not renew by mail for consecutive license terms.

(v) The department may not renew a license by mail if the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant.

(e) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than 30 days prior to the expiration date of a driver's license. ~~The~~ Except as provided in [section 6] and 61-5-115, the department shall mail the notice to the Montana mailing address shown on the driver's license ~~unless the licensee has submitted a change of address as required by 61-5-115~~.

(4) (a) Except as provided in subsections (4)(b) and (4)(c), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.

(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license

must be designated and clearly marked as a "provisional license". Any license designated and marked as provisional may be suspended by the department for a period of not more than 12 months when its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless or negligent driving.

(6) Fees for driver's licenses are:

(a) driver's license, except a commercial driver's license -- $5 a year or fraction of a year;

(b) motorcycle endorsement -- 50 cents a year or fraction of a year;

(c) commercial driver's license:

(i) interstate -- $5 a year or fraction of a year;

(ii) intrastate -- $3.50 a year or fraction of a year;

(d) renewal notice -- ~~50 cents~~ 50 cents.

~~(7) Upon receipt of notice from another jurisdiction that a person licensed under this chapter has surrendered a Montana driver's license to that jurisdiction, the department shall change the license status on the person's official driver record to "inactive". If the person returns to Montana prior to the expiration of the previously surrendered license, the department may reactivate the license for the remainder of the license term.~~"

Section 112. Section 61-5-114, MCA, is amended to read:

"61-5-114. Duplicate or replacement ~~licenses~~ license or permit. If an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed or a person wants to update personal information contained on an instruction permit or a driver's license issued to the person, the person to whom ~~it~~ the permit or license was issued may, upon the payment of a fee of $10, obtain a duplicate or ~~substitute~~ replacement permit or license, upon furnishing proof satisfactory to the department that the permit or license has been lost or destroyed or that personal information has changed."

Section 113. Section 61-5-115, MCA, is amended to read:

"61-5-115. Notice of change of address ~~or name~~. Whenever any person after applying for or receiving a driver's license ~~shall move~~ moves from the address named in ~~such~~ the application or in the issued license, ~~issued to him or when the name of a licensee is changed by marriage or otherwise such~~ the person shall within 10 days ~~thereafter~~ notify the department in writing or electronically by an approved automated interface of ~~his~~ the old and new addresses ~~or of such former and new names~~ and of the number of any license then held by ~~him~~ the person."

Section 114. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) ~~The~~ The disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 22.3% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state general fund.

(d) The amount of 20.7% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of 54.5% of each driver's license fee and 62.5% of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

(g) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit all remaining fees to the ~~department of revenue all remaining~~

~~fees, together with a statement indicating what portion of each fee is to be deposited into the account~~ state for deposit ~~in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees~~ as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall~~ deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

Section 115. Section 61-5-206, MCA, is amended to read:

"61-5-206. Authority of department to suspend license or driving privilege ~~or issue probationary license~~ -- right to hearing. (1) The department may suspend the driver's license or driving privilege of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) has committed or permitted an unlawful or fraudulent use of the license as specified in 61-5-302;

(b) has falsified the licensee's date of birth on the application for a driver's license;

(c) is under 21 years of age and has altered the licensee's or another's driver's license or identification card to obtain alcohol; or

(d) has authorized another to use the licensee's driver's license or identification card to obtain alcohol.

(2) ~~However, the department may, in lieu of suspending the license or driving privilege, issue a probationary license to a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record would authorize suspension as provided in subsection (1). Upon issuance of a probationary license, the licensee is subject to the restrictions set forth in the probationary license. The licensee's driving privilege may be suspended~~ If the department suspends a driver's license under 61-5-207 or this section or reinstates a license suspension or revocation upon conviction or forfeiture of bail not vacated of any traffic violation ~~during the period of probation. The licensee shall surrender to the department all driver's licenses that have been issued to the licensee before the probationary license may be issued. The licensee's refusal or neglect to surrender the licenses upon demand is grounds for suspending all licenses. Probationary licenses may be issued for a period not to exceed 12 months.~~

~~(3) Upon suspending the license of any person or upon placing the person on probation, as authorized in this section,~~ by a person who holds a probationary driver's license under 61-2-302, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity

for a hearing as early as practical, within 20 days after receipt of the request, in the county in which the licensee resides unless the department and the licensee agree that the hearing may be held in some other county. At the hearing, the department through its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. At the hearing, the department shall either rescind its order of suspension ~~or probation~~ or, for good cause, may affirm, reduce, or extend the period of ~~probation or~~ suspension of the license."

Section 116. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- limitation on issuance of probationary license~~ -- ignition interlock device allowed on first offense~~. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

~~(3) (a) If the person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a first violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.~~

~~(b) If the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to operating a motor vehicle not equipped with the device, tampering with the device, or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension for the remainder of the time period. The department may not issue a probationary driver's license to a person whose license suspension has been reinstated because of violation of an ignition interlock restriction.~~

~~(4)~~(3) (a) Except as provided in subsection ~~(4)(b)~~ (3)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

~~(5)~~(4) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802."

Section 117. Section 61-8-442, MCA, is amended to read:

"61-8-442. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- ignition interlock device. (1) In addition to the punishments provided in 61-8-714 and 61-8-722, regardless of disposition and if a probationary license is recommended by the court, the court may for a person convicted of a first offense under 61-8-401 or 61-8-406 ~~and granted a probationary license~~ restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period ~~that the person is granted a probationary license~~ and require the person to pay the reasonable cost of leasing, installing, and maintaining the device if:

(a) the court determines that approved ignition interlock devices are reasonably available; and

(b) the person's blood alcohol concentration at the time of the arrest was 0.16 or greater.

(2) If a person is convicted of a second or subsequent violation of 61-8-401 or 61-8-406, in addition to the punishments provided in 61-8-714 and 61-8-722, regardless of disposition, the court shall order that each motor vehicle owned by the person at the time of the offense be either:

(a) seized and subjected to the forfeiture procedure provided under 61-8-421; or

(b) during the 12-month period beginning with the end of the period of driver's license revocation, equipped with a functioning ignition interlock device and require the person to pay the reasonable cost of leasing, installing, and maintaining the device if the court determines that approved ignition interlock devices are reasonably available.

(3) Any restriction imposed under this section must be included in a report of the conviction made by the

court to the department in accordance with 61-11-101 and placed upon the person's driving record maintained by the department in accordance with 61-11-102.

(4) The duration of a restriction imposed under this section must be monitored by the department."

Section 118. Section 61-10-222, MCA, is amended to read:

"61-10-222. Time for payment of fees. ~~(1)~~ Prior to or at the time of registration of the vehicle as required under chapter 3 or chapter 4 or prior to the operation of the vehicle on the public highways, fees provided in this part must be paid in the full amount unless otherwise provided by law. With respect to vehicles operating on the highways with a current ~~20-day~~ temporary registration permit issued under ~~the provisions of 61-4-111 or 61-4-112~~ 61-3-224, the fees provided in this part are due and payable at the time of registration.

~~(2) A person who applies for a GVW license after July 1 of any year shall pay one-half of the fees provided in this part.~~

~~(3) When a person applies for registration required under chapter 3 for a period of time other than the calendar year, the fees provided in this part must be computed for the registration period at one-twelfth of the applicable fee for each month or part of month in the registration period.~~"

Section 119. Section 61-11-102, MCA, is amended to read:

"61-11-102. Records to be kept by the department. (1) ~~The~~ Except as provided in subsection (6), the department shall ~~file every application for a driver's license received by it and shall maintain suitable indexes containing, in alphabetical order:~~

~~(a) all applications denied and on each the reasons for denial;~~

~~(b) all applications granted; and~~

~~(c) the name of each licensee whose license has been suspended or revoked by the department and after each name the reasons for the action.~~ create and maintain a central database of electronic files that includes an individual Montana driving record for each person:

(a) who has been issued a Montana driver's license;

(b) who does not have a driver's license from, or active driving record in, another jurisdiction and for whom the department receives a report of conviction of a traffic violation or an offense requiring suspension or revocation of the person's driver's license; and

(c) whose driver's license or driving privileges have been suspended, revoked, canceled or otherwise withdrawn by the department.

(2) (a) ~~The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state. The department shall maintain records in a manner that allows an~~

~~individual record of each licensee, showing the convictions of the licensee and certain traffic accidents in which the licensee has been involved. The records must be readily ascertainable and available for the consideration of the department upon any application for renewal of a license and at other suitable times. A~~ An individual Montana driving record maintained under this section must include:

(i) personal information obtained from the application for a driver's license or a report of conviction;

(ii) the person's driver's license number, license type, status, endorsements, restrictions, issue and expiration dates, and any suspensions, revocations, disqualifications, or cancellations that have been imposed against the person;

(iii) all convictions reported to the department for the person; and

(iv) traffic accidents in which the person was involved, except that a record of involvement in a traffic accident may not be entered on a licensee's record unless the licensee was convicted, as defined in 61-11-203, for an act causally related to the accident.

(b) If the department receives notice that a ~~licensee~~ person has been disqualified by the federal motor carrier safety administration as an imminent hazard under 49 CFR 383.52, the department shall record the disqualification on the ~~licensee's~~ person's individual Montana driving record.

(3) The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward, by electronic or other means, a report of the conviction ~~a certified copy of the record~~ to the motor vehicle administrator in the state in which the person is a resident or licensed.

~~(4) The department may photograph, microphotograph, photostat, or reproduce on film any of its records. The film or reproducing material must be durable, and the device used to reproduce the records on the film or material must accurately reproduce and perpetuate the original records. A photograph, microphotograph, photostatic copy, or photographic film of the original record is an original record for all purposes and is admissible in evidence in all courts or administrative agencies. A facsimile, exemplification, or certified copy of the original record is a transcript of the original for purposes stated in this section.~~

~~(5)~~(4) The department may place on a computer storage device the information contained on original records or reproductions of original records made pursuant to this section. Signatures on records are not required to be placed on a computer storage device.

~~(6)~~(5) (a) ~~A~~ Except as provided in subsection (5)(b), a reproduction of the information placed on a computer storage device is an original of the record for all purposes and is admissible in evidence without further foundation in all courts or administrative agencies when the reproduction of the information is signed by a named custodian of the record and the following certification ~~by a custodian of the record~~ appears on each page:

The individual named below, being a designated custodian of the driver records of the department of justice, motor vehicle division, certifies this document as a true reproduction, in accordance with ~~61-11-102(6)~~ 61-11-102(5), of the information contained in a computer storage device of the department of justice, motor vehicle division.

Signed:_____

(Print Full Name)

(b) An order, record, or paper generated from the department's central database of electronic files of individual Montana driving records may be certified electronically by the generating computer. The certification must be a certification of the order, record, or paper as it appeared on a specific date. A court or the office of a clerk of court of this state that is electronically connected by a terminal device to the department's central database of electronic individual Montana driving records may receive and use as evidence without further foundation the computer-generated certified information obtained by the terminal device from the file. An authorized employee of a court of record of this state may certify in writing that an order, record, or paper was produced from a terminal device that is located in and under the control of the court and that is connected to the department's central database of electronic individual Montana driving records files and that the order, record, or paper was not altered in any way.

(6) The department may remove any individual Montana driving record from the active database of electronic files maintained under this section if there has been no change in license status on or additional reports of conviction to the record in the immediately preceding 16 years. Any individual driving record removed must be retained elsewhere by the department as an inactive record in an electronic storage device that is searchable and retrievable."

Section 120. Section 61-11-105, MCA, is amended to read:

"61-11-105. Release of information -- fees. (1) Subject to the limitations of this section, the department shall, upon request, furnish a person the individual Montana driving record of a driver or licensee, containing the following data:

(a) the driver's or licensee's name, driver's license number, and date of birth;

(b) driver's license status, including the license type and any endorsements, the license issue date, license restrictions, any suspensions, revocations, or cancellations that have been imposed against the driver or licensee, and the license expiration date;

(c) convictions of the driver or licensee; and

(d) traffic accidents in which the driver or licensee was involved.

(2) The department may not enter into any agreement to disclose or sell, in bulk, any data contained in an

individual Montana driving record unless the requester of the information provides the department with the names, driver's license numbers, and dates of birth of the drivers or licensees from whose records a change in license status or conviction activity is to be reported.

(3) The department may not disclose personal information or highly restricted personal information from an individual Montana driving record, except as permitted or required under 61-11-507, 61-11-508, or 61-11-509.

(4) Information relating to a traffic accident that did not involve a conviction, as defined in 61-11-203, may not be released by the department unless the release is requested or approved by a party involved in the accident or is required by court order or a duly executed subpoena.

(5) (a) Subject to the requirements of subsection (6) and except as provided in subsection (5)(b), a fee of $4 must be paid for each individual Montana driving record requested. A fee of $10 must be paid if a certified Montana record, as provided in ~~61-11-102(6)~~ 61-11-102(5), is requested. A fee of 8 cents must be paid for each individual Montana driving record that is searched by the department to report to a requester a change in license status or conviction activity from one or more individual Montana driving records.

(b) An individual Montana driving record must be provided without charge to any criminal justice agency, as defined in 44-5-103, or other state or federal agency.

(6) In addition to the fees required in 61-11-510(3) and subsection (5) of this section, an individual Montana driving record or any report compiled from one or more individual Montana driving records that are electronically transmitted to a requester through a point of entry for electronic government services are subject to the convenience fee established under 2-17-1103.

(7) The department may require a requester, other than a federal, state, or local government agency, seeking one or more individual Montana driving records or any data otherwise contained in one or more individual Montana driving records in electronic format to use a point of entry for electronic government services to obtain the record or data."

Section 121. Section 61-11-204, MCA, is amended to read:

"61-11-204. Department's duties. (1) If the records maintained by the department show that a person's driving record brings the person within the definition of a habitual traffic offender, the department shall:

(a) declare the person a habitual traffic offender;

(b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and

(c) notify the person in writing of the declaration and revocation.

(2) The notice must be sent by first-class mail to the most current address on record with the department. The notice must include a certified ~~reproduction of the person's driving record as contained in the computer storage device used by the department for recordkeeping~~ record of the convictions and bond forfeitures upon

which the habitual traffic offender designation was based. The notice must inform the person of the right under 61-11-210 to appeal the declaration and revocation. Service of the notice is complete upon mailing."

Section 122. Section 61-11-210, MCA, is amended to read:

"61-11-210. Appeals. (1) A person declared to be a habitual traffic offender may file a petition in the district court in the county in which the person resides, or in Lewis and Clark County if the person is not a resident of the state, challenging the declaration and revocation. The petition must be filed within 30 days after the person received notice under 61-11-204. Receipt under 61-11-204 is presumed to be on the third day after the date of mailing. After the petition is filed, a copy must be promptly served on the county attorney of the county in which the petition was filed. The county attorney shall represent the department in the proceeding. Proof of service must be filed with the clerk of the court prior to a hearing or grant of relief. Untimely service or lack of service upon the county attorney waives the right to a hearing. The filing of the petition does not stay enforcement of the revocation.

(2) Upon receipt from the county attorney of notice of the petition, the department shall give the county attorney a certified ~~copy of the abstracts of the records of~~ record of the convictions and bond forfeitures upon which the habitual traffic offender declaration was based.

(3) A hearing date must be set and at least 10 days' notice of the date must be given to the parties. The scope of the hearing is limited to whether the petitioner is the person named in the certified ~~abstracts~~ record of convictions and bond forfeitures upon which the habitual traffic offender declaration was based and whether the petitioner is a habitual traffic offender. The petitioner has the burden of proving that the department's actions are invalid or that its records are erroneous.

(4) If the court finds that the petitioner is the person declared by the department to be a habitual traffic offender and that the petitioner is a habitual traffic offender, the court shall dismiss the petition. If the court finds that the petitioner is not the person declared by the department to be a habitual traffic offender or that the petitioner is not a habitual traffic offender, the court shall grant the petition and provide the petitioner with appropriate relief, which must include an order that the department reimburse the petitioner for court fees paid by the petitioner.

(5) Upon a finding adverse to the petitioner, the clerk of the court shall file with the department a copy of the court's order, together with the petitioner's driver's license if the license has not been previously surrendered. If the petition is granted, the clerk of the court shall file with the department a copy of the court's order granting the petition. The order must state the grounds upon which the relief was granted and must specify the court findings on the conviction points, if any, that have been accrued by the petitioner. The department shall then correct the petitioner's driving record to comport with the court's specific findings."

Section 123. Section 76-2-202, MCA, is amended to read:

"76-2-202. Establishment of zoning districts -- regulations. (1) (a) Within the unincorporated portions of a jurisdictional area that has been established under provisions of 76-1-501 through 76-1-503 or 76-1-504 through 76-1-507, the board of county commissioners may by resolution establish zoning districts and zoning regulations for all or part of the jurisdictional area.

(b) An action challenging the creation of a zoning district must be commenced within 5 years after the date of the order by the board of county commissioners creating the district.

(2) Within some zoning districts, it is lawful and within others it is unlawful to erect, construct, alter, or maintain certain buildings or to carry on certain trades, industries, or callings.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) Within each district the height and bulk of future buildings and the area of the yards, courts, and other open spaces and the future uses of the land or buildings must be limited and future building setback lines must be established.

(5) All regulations must be uniform for each class or kind of buildings throughout a district, but the regulations in one district may differ from those in other districts.

(6) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in ~~61-1-501~~ 15-1-101.

(7) Nothing contained in this section may be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

Section 124. Section 76-2-302, MCA, is amended to read:

"76-2-302. Zoning districts. (1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(2) All regulations must be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in ~~61-1-501~~ 15-1-101.

(5) This section may not be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

Section 125. Repealer. Sections 15-16-202, 61-3-207, 61-3-209, 61-3-342, and 61-3-526, MCA, are repealed.

Section 126. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-101, must read as follows:

"61-3-101. Duties of department -- records. (1) (a) The department shall create and maintain a central registry of electronic files that includes an electronic record of title as specified in this section for motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, and snowmobiles for which:

(i) an application for a certificate of title has been received by the department, its authorized agent, or a county treasurer;

(ii) a certificate of title has been issued by the department; or

(iii) a registration, security interest, or lien transaction has been recorded by the department.

(b) The central registry of electronic files described in subsection (1) must include an electronic record of registration for each motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, and snowmobile registered in this state:

(i) for which the certificate of title was issued by another jurisdiction and that was registered in another jurisdiction; or

(ii) for which a certificate of title has not been issued or is not required.

(2) The electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile must contain the following information:

(a) the name, residence, and mailing address of the owner and:

(i) if the owner is the holder of a driver's license or identification card issued by the department or by a motor vehicle agency of another jurisdiction, the owner's driver's license or identification card number and the issuing jurisdiction; or

(ii) if the owner is a corporation, the registered agent's name and, if the agent is the holder of a driver's license or identification card, the agent's driver's license or identification card number and the issuing jurisdiction;

(b) a description of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, including, as pertinent to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile:

(i) the manufacturer of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) the manufacturer's designation of the style of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(iii) the identifying number;

(iv) the manufacturer's designated model year of manufacture and the odometer reading, if applicable, at the time of the transfer of ownership;

(v) the character of the motive power and the shipping weight of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile as shown by the manufacturer;

(vi) the distinctive license number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, if any;

(vii) the gross vehicle weight and gross vehicle weight rating, as determined by the manufacturer, or, for a trailer operating interstate, the declared weight;

(viii) the unique transaction record number, when available and assigned by the department, for each transaction pertaining to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and the date of each transaction;

(ix) any brand required under state law or any brand carried forward from a certificate of title surrendered from another jurisdiction;

(x) if the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has been or is currently registered in this state, the distinctive license plate number or certificate number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,

sailboat, or snowmobile and a record of all fees and local option taxes, if applicable, paid for the current and preceding registration periods; and

(xi) other information that may be required for registration or may from time to time be found desirable.

(3) The electronic record of registration for a motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile must contain, at a minimum, the following information:

(a) the name, residence, and mailing address of the owner and the driver's license or identification card data required in subsections (2)(a)(i) and (2)(a)(ii);

(b) the same data that is required under subsection (2)(b) for the electronic record of title; and

(c) any other data consider to be pertinent by the department.

(4) In order to prevent an accumulation of unneeded records and files, regardless of any other statutory requirements, the department may destroy all records and files that relate to motor vehicles, trailers, semitrailers, pole trailers, motorboats, personal watercraft, sailboats, or snowmobiles that have not been registered within the preceding 4 years and that do not have an active lien.

(5) Subject to the provisions of Title 61, chapter 11, part 5, motor vehicle records maintained by the department must be open to inspection during reasonable business hours, and the department shall furnish any information from the records, except personal information and highly restricted personal information, as defined in 61-11-503, upon payment by the applicant of the cost of the information requested. Prior to providing the information, the department shall require the applicant to provide identification. The department may not disclose personal information or highly restricted personal information except as permitted or required under 61-11-507, 61-11-508, or 61-11-509."

Section 127. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-208 must read as follows:

"61-3-208. Affidavit and bond for certificate of title. (1) If an applicant for a certificate of title cannot provide the department with the certificate of title that assigns the prior owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the applicant, the department may issue a certificate of title if subsection (2) is complied with.

(2) (a) The applicant shall submit an affidavit in a form prescribed by the department that must be signed and sworn to before an officer authorized to administer oaths and affirmations. The affidavit must accompany the application for the certificate of title and must:

(i) include the facts and circumstances through which the applicant acquired ownership and possession of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(ii) disclose security interests, liens, or encumbrances that are known to the applicant and that are outstanding against the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

(iii) state that the applicant has the right to have a certificate of title issued.

(b) The application must satisfy one of the following conditions:

(i) The vehicle for which the application is being made must be a ~~boat~~ camper, off-highway vehicle, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile, and the loss of the certificate of title must be established by the applicant to the department's satisfaction.

(ii) ~~The applicant shall certify in the affidavit that the value of the vehicle for which the application is made is~~ If application is being made for a certificate of title to a motor vehicle, trailer, semitrailer, or pole trailer with a value of $500 or less, the applicant must establish the loss of the certificate of title to the department's satisfaction and either provide evidence of ~~as indicated by~~ the average trade-in or wholesale value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, or pole trailer as determined by the applicable national appraisal guide for the vehicle as of January 1 for the year in which the application is made or, if a national appraisal guide is not available for a ~~vehicle~~ motor vehicle, trailer, semitrailer, or pole trailer, ~~according to the applicant's knowledge and belief~~ the applicant must certify that the value of the motor vehicle, trailer, semitrailer, or pole trailer is $500 or less.

(iii) ~~The~~ If application is being made for a motor vehicle, trailer, semitrailer, or pole trailer with a value that exceeds $500, the applicant shall provide a bond, in a form prescribed by the department, issued by a surety company authorized to do business in this state, in an amount equal to the value of the ~~vehicle~~ motor vehicle, trailer, semitrailer, or pole trailer for which the application is being made, as determined by the surety company. The bond is conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor, or encumbrancer of the motor vehicle, trailer, semitrailer, or pole trailer and any respective successors in interest against expenses, losses, or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the ~~vehicle~~ motor vehicle, trailer, semitrailer, or pole trailer.

(3) Any interested person has a right of action to recover on the bond furnished under this section for a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of the bond.

(4) Unless the department has been notified of a pending action to recover the bond furnished under this section, the department shall return the bond at the earlier of:

(a) 3 years from the date of issuance of the certificate of title; or

(b) the date of surrender of the valid certificate of title to the department if the ~~vehicle~~ motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is no longer required to

have a certificate of title in this state."

Section 128. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 61, and the provisions of Title 61 apply to [sections 1 through 6].

Section 129. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then the definitions contained in [section 2 of this act] must be codified in 61-1-101 and the internal references must be adjusted.

Section 130. Coordination instruction. If Senate Bill No. 261 and [this act] are both passed and approved, then [section 10 of this act], amending 15-1-116, is void.

Section 131. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved then [section 13 of this act], amending 15-1-122, is void and [section 4] of Senate Bill No. 285, amending 15-1-122, is amended as follows:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, $36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) $75,000 in fiscal year 2003;~~

~~(b)~~(a) $0 in fiscal years 2004 and 2005;

~~(c)~~(b) $3,050,205 in fiscal year 2006; and

~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5,~~:~~

~~(i) $2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and~~

~~(ii) $1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and $5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year~~

~~following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532.~~ 1.62% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.48% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years. The amount of 8.75% of the allocation in fiscal year 2006 and 9.48% of the allocation in fiscal year 2007 and succeeding years must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816~~:~~,

~~(i) $1 in fiscal year 2006 and, in each subsequent year, $2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803; and~~

~~(ii) for vehicles registered or reregistered pursuant to 61-3-321:~~

~~(A) $1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and~~

~~(B) $1.50 in fiscal year 2006 and, in each subsequent year, $3.65 for each motorcycle and quadricycle; and~~

~~(C) $7.50 for each permanently registered light vehicle~~ 1.53% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.50% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years;

(c) to the department of fish, wildlife, and parks:

(i) ~~$2.50 in fiscal year 2006 and,~~ 0.47% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and in succeeding fiscal years, 0.46% of the motor vehicle revenue deposited in the state general fund, ~~in each subsequent year, $14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received~~ with the applicable percentage to be:

(A) used to:

(I) acquire and maintain pumpout equipment and other boat facilities, 5.2% in fiscal year 2006 and 4.8% in fiscal year 2007 and succeeding years;

(II) administer and enforce the provisions of Title 23, chapter 2, part 5, 20.8% in fiscal year 2006 and 19.1% in fiscal year 2007 and succeeding years;

(III) enforce the provisions of 23-2-804, 12.1% in fiscal year 2006 and 11.1% in fiscal year 2007 and succeeding fiscal years; and

(IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, 18.1% in fiscal year 2006 and 16.7% in fiscal year 2007 and succeeding fiscal years; and

(B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 43.8% in fiscal year 2006 and 48.3% in fiscal year 2007 and succeeding fiscal years;

(ii) ~~$5 in fiscal year 2006 and,~~ 0.12% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.10% of the motor vehicle revenue deposited in the state general fund in each subsequent fiscal year, ~~$19 for each snowmobile registered under 23-2-616,~~ with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, ~~23-2-626,~~ 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

~~(iii) $1 for each duplicate snowmobile registration decal issued under 23-2-617;~~

~~(iv) $5 in fiscal year 2006 and, in each subsequent year, $13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;~~

~~(v) to the state special revenue fund established in 23-1-105, $3.50 in fiscal year 2006 and, in each subsequent year, $8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;~~

~~(vi)~~(iii) ~~an amount equal to 20%~~ 0.5% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.16% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year ~~of the funds collected pursuant to 23-2-518~~ to be deposited in the motorboat account to be used as provided in 23-2-533; ~~and~~

~~(vii) to the state special revenue fund established in 23-1-105, $4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with $3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;~~

(d) 0.75% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.64% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year, with 21.30% in fiscal year 2006 and 24.55% in fiscal year 2007 and succeeding fiscal years to be deposited in the state veterans' cemetery account~~,~~ provided for in 10-2-603~~, $10 for each veteran's license plate subject to the fee in 61-3-459~~ and with 78.70% in fiscal year 2006 and 75.45% in fiscal year 2007 and succeeding fiscal years to be deposited in the veterans' services account provided for in 10-2-112(1);

~~(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:~~

~~(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;~~

~~(f)~~(e) ~~25 cents a year for each registered vehicle and $1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6)~~ 0.59% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.30% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112; and

~~(g)~~(f) to the search and rescue account provided for in 10-3-801.~~:~~

~~(i) $2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;~~

~~(ii) $2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and~~

~~(iii) $2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803~~ 0.20% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.04% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year~~; and~~.

~~(h) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).~~

(4) ~~For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.~~ For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:

(a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

(b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;

(c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

(d) all money collected pursuant to 15-1-504(3).

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

Section 132. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 25 of this act], amending 23-2-616, is void.

Section 133. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(57) as amended by Senate Bill No. 285 must read as follows:

"(57) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101."

Section 134. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(19) as amended by Senate Bill No. 285 must read as follows:

"(19) "Manufactured home" has the meaning provided in 15-1-101."

Section 135. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(55) as amended by Senate Bill No. 285 must read as follows:

"(55) "Temporary registration permit" means a paper record:

(a) issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic interface after an electronic record has been transmitted to the department, that contains:

(i) required vehicle and owner information; and

(ii) the purpose for which the record was generated; and

(b) that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs."

Section 136. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(22) as amended by Senate Bill No. 285 must read as follows:

"(22) "Mobile home" or "house trailer" has the meaning provided in 15-1-101."

Section 137. Coordination instruction. (1) If Senate Bill No. 285 and [this act] are both passed and approved, then [section 41] of Senate Bill No. 285, amending 61-1-101, must include a new subsection (42) that reads:

"(42) "Registration" or "register" means the act or process of creating an electronic record, maintained by the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department

records."

(2) Subsequent subsections in [section 41] of Senate Bill No. 285, amending 61-1-101, must be renumbered and internal references must be adjusted.

Section 138. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 64] of Senate Bill No. 285, amending 61-3-224, is void and [section 47 of this act], amending 61-3-224,is amended as follows:

"61-3-224. Temporary registration permit -- issuance -- placement -- fees. (1) ~~A~~ The department, an authorized agent, or a county treasurer ~~or a law enforcement officer~~ may issue a temporary registration permit ~~under the provisions of 61-3-317. A county treasurer may also issue a temporary registration permit under the provisions of 61-3-342~~ to:

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration of the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle under this chapter;

(d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence;

(e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state; or

(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

(2) ~~An employee or agent of the department may issue a temporary registration permit only under express authorization from the department and in accordance with the provisions of this chapter.~~ A person, using a department-approved electronic interface, may issue a temporary registration permit for the specified purposes if the person is:

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence; or

(d) a financial institution located in Montana that intends to allow a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

~~(3) A dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or under Title 61, chapter 4, part 1, may issue a temporary registration permit only as authorized under 23-2-513, 23-2-619, 23-2-818, 61-4-111, or 61-4-112.~~

~~(4)~~(3) A temporary registration permit issued under ~~subsections (1) through (3)~~ this section must contain the following information:

(a) a temporary ~~registration permit control~~ plate number, registration receipt number, or transaction record number, as prescribed by the department;

(b) the expiration date of the temporary registration permit; and

(c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification number, the name ~~and address~~ of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of ~~transfer~~ issuance.

(4) A temporary registration permit for:

(a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the rear exterior of the vehicle where a license plate is required to be displayed; and

(b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway must be plainly visible and firmly attached to the vehicle or vessel.

(5) (a) Except as provided in 61-3-431 and subsection (5)(b) of this section, a $3 fee is imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent, or a county treasurer when the vehicle is registered.

(b) Except as provided in 61-3-431, a fee of $8 is imposed and must be paid upon issuance of a temporary registration permit by:

(i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires a vehicle or vessels in this state; or

(ii) a person who issued a temporary registration permit using a department-approved electronic interface.

(6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited in the motor vehicle electronic commerce operating account provided for in [section 5 of House Bill No. 671].

(7) If a temporary registration permit is issued under this section to a person to whom ownership of a vehicle or vessel has been transferred, the permitholder must title and register the vehicle or vessel in this or another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."

Section 139. Coordination instruction. If Senate Bill No. 318 and [this act] are both passed and approved, then [section 8] of Senate Bill No. 318, amending 61-3-301, is void.

Section 140. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-302 must be amended as follows:

"61-3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden -- vehicles exempt from registration -- exceptions. (1) (a) ~~It shall especially be provided that a~~ A resident of the state of Montana ~~shall~~ who owns a motor vehicle, trailer, semitrailer, or pole trailer may not operate ~~a~~ the motor vehicle, trailer, semitrailer, or pole trailer ~~under a license~~ with license plates issued by any other state than Montana.

(b) A person who has resided in Montana for more than 60 consecutive days is considered to be a resident for the purpose of vehicle titling and registration laws, and a motor vehicle, trailer, semitrailer, or pole trailer owned by the person must be titled and registered under the laws of Montana prior to operation in this state after the 60-day period.

(2) A motor vehicle, trailer, semitrailer, or pole trailer driven or moved upon a highway in this state and owned by a nonresident of this state is exempt from registration under this chapter if:

(a) the vehicle is properly registered in and displays valid license plates of the jurisdiction in which the nonresident owner resides; and

(b) (i) the vehicle is not used for the transportation of persons or property for hire, compensation, or profit;

(ii) the nonresident owner is not employed or engaged in a commercial or business enterprise in this state; or

(iii) the vehicle is used for the exclusive purpose of filming motion pictures or television commercials and does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

(3) A motor vehicle, trailer, semitrailer, or pole trailer that is owned by a manufacturer, a dealer, a wholesaler, or an auto auction and that is held for sale is exempt from registration under this part, even though the motor vehicle, trailer, semitrailer, or pole trailer is incidentally moved on the highway and is used for purposes of testing or demonstration or is used by a manufacturer solely for testing.

(4) A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven to an auto wrecking graveyard for disposal is exempt from the provisions of this chapter."

Section 141. Coordination instruction. If House Bill No. 541 and [this act] are both passed and approved, then [section 3] of House Bill No. 541 that amends 61-3-303 is void.

Section 142. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-303 must be amended as follows:

"61-3-303. ~~Registration~~ Original registration -- process -- fees. (1) ~~A~~ Except as provided in 61-3-324, Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner permanently resides or, if the motor vehicle, trailer, semitrailer, or pole trailer is owned by a corporation or used primarily for commercial purposes, in the county where the motor vehicle, trailer, semitrailer, or pole trailer is ~~permanently assigned~~ domiciled.

(2) ~~(a)~~ Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

~~(i)~~(a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

~~(ii)~~(b) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

~~(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.~~

(3) (a) A county treasurer ~~shall~~ may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot, due to circumstances beyond the new owner's control, ~~present the~~ surrender a previously ~~issued~~ assigned certificate of title ~~only as authorized by the department under 61-3-342~~. The new owner may submit an application for certificate of title, subject to the registration renewal limitations of 61-3-312.

(4) ~~The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-~~

~~560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration.~~ Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the county treasurer shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5); and

(e) assign and issue license plates for the vehicle under 61-3-331.

(5) ~~A~~ Unless otherwise provided by law, a person ~~who seeks to register~~ registering a motor vehicle~~, except a mobile home or a manufactured home as those terms are defined in 15-1-101(1),~~ shall pay to the county treasurer:

(a) ~~the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;~~

~~(b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle~~ the fees in lieu of tax or registration fees, as required for:

(i) a light vehicle under ~~61-3-560 through~~ 61-3-321(2) or 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570 ~~imposed against the vehicle for the current year of registration and the immediately previous year~~;

(ii) a motor home under 61-3-321;

(iii) a travel trailer under 61-3-321;

(iv) a motorcycle or quadricycle under 61-3-321;

(v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-321 and 61-3-529; or

(vi) a trailer under 61-3-321; ~~and~~

~~(c)~~(b) a donation of $1 or more if the person ~~has indicated on the application~~ indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and

~~(d)~~(c) a donation of $1 or more if the person ~~has indicated on the application~~ indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

(6) The county treasurer may not issue a registration receipt or license plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (5). ~~Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer~~

~~may not collect taxes or fees for a period other than:~~

~~(a) the current year; and~~

~~(b) except as provided in subsection (9), the immediately preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.~~

(7) The department may make full and complete investigation of the registration status of the motor vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.

(8) Revenue that accrues from the voluntary donation provided in subsection ~~(5)(c)~~ (5)(b) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer~~, or semitrailer~~ that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a ~~vehicle described in this subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership ~~of the vehicle~~ is transferred.

(b) Whenever ownership of a ~~vehicle described in subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

(10) Revenue that accrues from the voluntary donation provided in subsection ~~(5)(d)~~ (5)(c) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury."

Section 143. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-311 must be amended as follows:

"**61-3-311. Registration -- ~~annual renewal --~~ time periods.** (1) ~~Registration must be renewed annually, and registration fees must be paid annually. Except~~ Unless a motor vehicle, trailer, semitrailer, or pole trailer is subject to permanent registration under this title and except as provided in 61-3-313, ~~through 61-3-316, 61-3-~~

~~318, 61-3-526~~ 61-3-701, ~~and~~ 61-3-721, and subsection (3) of this section, ~~all registrations expire on December 31 of the year in which they are issued and must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year~~ the department, an authorized agent, or a county treasurer shall, upon original registration of a motor vehicle in this state, assign each motor vehicle to a registration period, as provided in 61-3-316, based upon the calendar month in which the motor vehicle is first registered in this state and designate the calendar year in which the current registration will expire. ~~If the ownership of a motor vehicle is transferred during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle as provided by this chapter.~~

~~(2) The department, its authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered under the provisions of 61-3-342(3) unless:~~

~~(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or~~

~~(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208.~~

(2) Each registration period commences on the first day of the calendar month in the calendar year in which the motor vehicle is registered and the motor vehicle's registration expires on the earlier of:

(a) the last day of the month preceding the anniversary of the registration period for the year designated on the motor vehicle's registration decal, if the motor vehicle is registered for a minimum 12-month period;

(b) the last day of the month preceding the anniversary of the registration period for the year designated on the motor vehicle's registration decal, if the motor vehicle is registered for a period of at least 13 but less than 25 months; or

(c) the transfer of ownership of the motor vehicle, trailer, semitrailer, or pole trailer to another person.

(3) (a) Upon request of the motor vehicle a county treasurer may assign a motor vehicle to a registration period, as provided in 61-3-316, other than the calendar month in which the motor vehicle is first registered in this state if at least 13 but less than 25 months will elapse between the first day of the calendar month in which the motor vehicle is registered and the last day of the month preceding the anniversary of the requested registration period in the year designated on the motor vehicle's registration decal.

(b) The county treasurer shall determine fees imposed for a motor vehicle registered for a period between 13 and 24 months. All registration fees, fees in lieu of tax, or local option taxes or fees that are imposed on an annual basis must be prorated based on the number of months in the requested registration period.

(c) A motor vehicle registered under the provisions of 61-3-303(3)(b) may not be registered under this subsection (3).

(4) If a motor vehicle, trailer, semitrailer, or pole trailer is permanently registered under the provisions of this chapter, the registration is not subject to expiration unless the registered owner of the motor vehicle, trailer, semitrailer, or pole trailer transfers ownership of the vehicle to another person."

Section 144. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-312 must be amended as follows:

"**61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in ~~61-3-311(1), 61-3-314, 61-3-318, 61-3-526, 61-3-560, 61-3-562,~~ 61-3-313 and 61-3-721, the registration of a motor vehicle under this chapter ~~expires on December 31 of each year and~~ must be renewed ~~annually upon payment of registration fees as provided in 61-3-303 and 61-3-321~~ on or before the last day of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration. ~~The renewal takes effect on January 1 of each year.~~ A person may renew a motor vehicle's registration by submitting full payment for the fees or taxes required under 61-3-303 to the department, an authorized agent, or a county treasurer in any county of this state. Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be retained and the duration of the renewed registration is determined in accordance with 61-3-311. A registration receipt is valid ~~only during~~ for the registration ~~year~~ period for which it is issued.

(2) The owner of a motor vehicle ~~registered~~ subject to registration renewal under the provisions of this section ~~may operate the vehicle between January 1 and February 15 without displaying the registration decal of the current year if, during the period, the owner displays upon the vehicle the number plates or plate assigned for the previous year~~ is considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department, an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's registration period.

(3) The department, an authorized agent, or a county treasurer may not renew the registration of a motor vehicle for which ownership has been transferred and that was originally registered without being titled under the provisions of 61-3-303(3)(b) unless:

(a) the previously issued certificate of title has been surrendered to the department, an authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

Section 145. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-313 must be amended as follows:

"61-3-313. ~~Vehicles subject to staggered~~ Motor vehicles exempt from registration renewal. ~~For purposes of 61-3-313 through 61-3-316, "vehicle" means a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this state except~~ The following motor vehicles are exempt from the registration renewal requirements of 61-3-312:

(1) motor vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

~~(2) mobile homes and motor homes;~~

~~(3) vehicles that are registered in accordance with or subject to 61-3-411 or 61-3-458(3)(b);~~

~~(4) trucks exceeding a 1-ton rated capacity;~~

~~(5) trailers, semitrailers, tractors, and buses;~~

~~(6) special mobile equipment as defined in 61-1-104;~~

~~(7)~~(2) motor vehicles registered as part of a fleet under 61-3-318; ~~and~~

~~(8)~~(3) apportionable motor vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733; and

(4) unless a transfer of ownership occurs, a travel trailer, trailer, semitrailer, pole trailer, motorcycle, or quadricycle, including a motorcycle or quadricycle registered only for off-highway use under Title 23, chapter 2, part 8, is permanently registered."

Section 146. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-314 must be amended as follows:

"61-3-314. Registration period. ~~(1) Except as provided in 61-3-315, each vehicle subject to the provisions of 61-3-313 through 61-3-316 must be registered for a 12-month period based upon the date it is first registered in this state pursuant to 61-3-313 through 61-3-316.~~

~~(2) There~~ For the purposes of this chapter, there are 12 registration periods to which a motor vehicle may be assigned.~~, each of which~~ Each registration period commences on the first day of a calendar month. The periods are:

~~(a)~~(1) January 1 through January 31 1st period

~~(b)~~(2) February 1 through February 28/29 2nd period

~~(c)~~(3) March 1 through March 31 3rd period

~~(d)~~(4) April 1 through April 30 4th period

~~(e)~~(5) May 1 through May 31 5th period

~~(f)~~(6) June 1 through June 30 6th period

~~(g)~~(7) July 1 through July 31 7th period

~~(h)~~(8) August 1 through August 31 8th period

~~(i)~~(9) September 1 through September 30 9th period

~~(j)~~(10) October 1 through October 31 10th period

~~(k)~~(11) November 1 through November 30 11th period

~~(l)~~(12) December 1 through December 31 12th period"

Section 147. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-317 must be amended as follows:

"**61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty -- display of proof of purchase.** (1) ~~Except as otherwise provided in this section, the~~ The new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer has a grace period of ~~20~~ 40 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by ~~part 5 of~~ this chapter, and local option taxes, if applicable~~, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the vehicle were being registered for the first time in that registration year~~. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the streets and highways of this state during this period unless a temporary registration permit has been issued for and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

~~(2) The new owner of a vehicle described in 61-3-303(9) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.~~

~~(3)~~(2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current registration receipt or registration decal during the ~~20-day~~ 40-day period if at all times during that period, a temporary registration permit, issued under 61-3-224, ~~obtained from the county treasurer or a law enforcement officer as authorized by the department,~~ is ~~clearly~~ properly displayed ~~in the rear window of the motor vehicle or, if a durable placard has been issued for the vehicle, the placard is attached to the rear of the vehicle~~.

~~(4) Registration fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section.~~

~~(5) Failure to make application for a certificate of title within the time provided in this section subjects the purchaser to a penalty of $10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general~~

~~fund.~~"

Section 148. Coordination instruction. If Senate Bill No. 285, Senate Bill No. 318, and [this act] are all passed and approved, then [section 16] of Senate Bill No. 318, a coordination instruction, is void and 61-3-321 must be amended as follows:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, ~~reregistration~~ renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, ~~and~~ semitrailers, and pole trailers ~~in accordance with this chapter, as follows~~ as provided in subsections (2) through (19):

~~(a)~~(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles ~~under 2,850 pounds, $13.75 in calendar year 2004 and, in each subsequent year, $17;~~ trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(a) if the vehicle is 4 years old or less, $217;

(b) if the vehicle is 5 through 10 years old, $87; and

(c) if the vehicle is 11 or more years old, $28.

~~(b)~~(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of the trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, $61.25; or

(b) if the declared weight is 6,000 pounds or more, $148.25

~~trailers with a declared weight of less than 2,500 pounds and semitrailers, $8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer~~.

~~(c)~~(4) The annual registration fee for motor vehicles ~~registered~~ owned and operated solely as collector's items pursuant to 61-3-411 ~~that~~ are for motor vehicles:

~~(i)~~(a) 2,850 pounds and over, $10; and

~~(ii)~~(b) under 2,850 pounds, $5~~;~~.

~~(d)~~(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles ~~registered pursuant to 23-2-817, $9 in calendar year 2004 and, in each subsequent year, $19.25~~ other than quadricycles is $61.25. ~~This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle~~.

~~(e)~~(6) The annual registration fee for ~~light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and~~ heavy trucks, buses, and logging trucks in excess of 1 ton~~, $18.75 in calendar year 2004 and, in each subsequent year, $22~~ is $22.75~~;~~.

~~(f) logging trucks less than 1 ton, $23.75;~~

~~(g)~~(7) (a) ~~motor homes, $22.25;~~ The annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, $282.50;

(ii) 2 years old and less than 5 years old, $224.25;

(iii) 5 years old and less than 8 years old, $132.50; and

(iv) 8 years old and older, $97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.75; and

(ii) if applicable, five times the renewal fees for personalized plates under 61-3-406.

~~(h)~~(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles ~~and quadricycles, $9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $9.75 in calendar year 2004 and, in each subsequent year, $11.25~~ registered for use on public highways is $53.25 and the one-time registration fee for motorcycles registered for both off-road use and for use on the public highways is $114.50. ~~This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.~~

(b) An additional fee of $16 must be collected for the registration of each motorcycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

~~(i) trailers and semitrailers between 2,500 and 6,000 pounds, $11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, $16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(k)~~(9) Except as provided in subsection (15), the one-time registration fee for travel trailers under 16 feet in length~~, $11.75~~ is $72 and the one-time registration fee for travel trailers 16 feet in length or longer is $152. ~~This fee is a one-time fee, except upon transfer of ownership of a travel trailer.~~

~~(l) recreational vehicles, $3.50 in calendar year 2004 and, in each subsequent year, $9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.~~

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, $65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, $125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, $295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is $60.50.

(b) (i) A snowmobile that is licensed by a Montana business and that is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of $40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of $20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the fee in lieu of tax imposed in subsection (11)(a).

~~(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.~~

~~(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.~~

~~(3) An additional fee of $5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $5 in calendar year 2004 and, in each subsequent year, $16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.~~

(12) Except as provided in subsection (15), the one-time registration fee for a quadricycle is $59.25.

~~(4)~~(13) A fee of $5 ~~for each set of new number plates~~ must be collected when ~~number plates~~ a new set of standard license plates or a new single standard license plate provided for under ~~61-3-332(2) are~~ 61-3-332 is issued. The $5 fee imposed under this subsection does not apply when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

~~(5)~~(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to light vehicles that are exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520.

~~(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.~~

~~(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.~~

~~(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.~~

~~(b) The following vehicles are not subject to the fee:~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;~~

~~(ii) off-highway vehicles registered pursuant to 23-2-817; and~~

~~(iii) vehicles bearing license plates described in 61-3-458(3)(d).~~

~~(8)~~(15) ~~The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.~~ Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, or snowmobile is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

~~(9)~~(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)~~(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (13) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(11)~~(19) (a) Unless a person exercises the option in subsection ~~(11)(b)~~ (19)(b), an additional fee of $4 must be collected for each light vehicle ~~or truck under 8,001 pounds GVW~~ registered ~~for licensing pursuant to~~ under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state ~~general~~ special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities ~~as provided in 15-1-122(3)(c)(vii)~~. Of the $4 fee, the

department shall use $3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle ~~or truck under 8,001 pounds GVW~~ may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional $4 fee provided for in subsection ~~(11)(a)~~ (19)(a). If a written election is made, the fee may not be collected.

(20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

Section 149. Coordination instruction. If Senate Bill No. 318 is not passed and approved and Senate Bill No. 285 and [this act] are both passed and approved, then subsection (12) of 61-3-321 contained in [section 148 of this act] is void and internal references must be adjusted and subsection (8) of 61-3-321 contained in [section 148 of this act] must read as follows:

"(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles~~,~~ ~~$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, $9.75 in calendar year 2004 and, in each subsequent year, $11.25~~ registered for use on public highways is $53.25 and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is $114.50. ~~This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.~~

(b) An additional fee of $16 must be collected for the registration of each motorcycle and quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002."

Section 150. Coordination instruction. If Senate Bill No. 285, House Bill No. 35, and [this act] are all passed and approved, then 61-3-321(12) as amended by House Bill No. 35 must read as follows:

"(12) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of $5 must be collected and forwarded to the state for deposit in the account established in [section 4 of House Bill No. 35]."

Section 151. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 83] of Senate Bill No. 285, amending 61-3-333, is void.

Section 152. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-334 must be amended as follows:

"61-3-334. ~~Expiration of registration on transfer~~ Transfer of ownership of motor vehicle -- duty to remove plates. Upon the transfer of ownership of a motor vehicle, trailer, semitrailer, or pole trailer, ~~the registration of the motor vehicle shall expire and it shall be the duty of~~ the transferor shall immediately ~~to~~ remove the license plates from the motor vehicle, trailer, semitrailer, or pole trailer."

Section 153. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 97] of Senate Bill No. 285, amending 61-3-425, is void.

Section 154. Coordination instruction. If Senate Bill No. 285, which repeals 61-3-522, is not passed and approved and House Bill No. 541 and [this act] are both passed and approved, then 61-3-522 must be amended as follows:

"61-3-522. Schedule of fees for motor homes -- permanent registration of motor homes -- transfer of ownership. (1) The owner of a motor home shall pay a fee based on the age of the motor home according to the following schedule:

less than 2 years old & #160; □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; $250

2 years old and less than 3 years old & #160; □ 0; &# 160; □ 0; &# 160; 230

3 years old and less than 4 years old & #160; □ 0; &# 160; □ 0; &# 160; 195

4 years old and less than 5 years old & #160; □ 0; &# 160; □ 0; &# 160; 150

5 years old and less than 6 years old & #160; □ 0; &# 160; □ 0; &# 160; 125

6 years old and less than 7 years old & #160; □ 0; &# 160; □ 0; &# 160; 100

7 years old and less than 8 years old & #160; □ 0; &# 160; □ 0; &# 160; 75

8 years old and older □ 0; &# 160; □ 0; &# 160; □ 0; &# 160; 65

(2) ~~(a) Except as provided in subsection (2)(b), the~~ The age of a motor home ~~is~~ must be determined ~~by subtracting the manufacturer's designated model year from the current calendar year~~ under 61-3-501.

~~(b) If the purchase year of a motor home precedes the designated model year of the motor home and the~~

~~motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(3) (a) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under 61-3-321 may permanently register the motor home upon payment of:

(i) a one-time registration fee of $237.75; and

(ii) if applicable, five times the renewal fees for personalized plates under 61-3-406.

(b) The following series of license plates may not be used for purposes of permanent registration of a motor home:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) amateur radio operator license plates issued under 61-3-422;

(iv) collegiate license plates issued under 61-3-465; and

(v) generic specialty license plates issued under 61-3-479.

(4) The permanent registration of a motor home allowed by this section may not be transferred to a new owner. If the motor home is transferred to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and register the motor home under 61-3-303."

Section 155. Coordination instruction. If Senate Bill No. 285, House Bill No. 541, and [this act] are all passed and approved, then subsection (3)(b) of 61-3-522, as it reads in [section 154 of this act] must be codified as a new section in Title 61, chapter 5, because 61-3-522 is repealed by Senate Bill No. 285.

Section 156. Coordination instruction. If Senate Bill No. 285, which repeals 61-3-527, is not passed and approved and House Bill No. 102 and [this act] are both passed and approved, then 61-3-527 must be amended as follows:

"**61-3-527. One-time fee in lieu of tax for motorcycles and quadricycles -- permanent registration.** (1) (a) ~~There~~ Except as provided in subsection (2), there is a one-time fee in lieu of property tax of ~~$20 in calendar year 2004 and, in each subsequent year,~~ ~~$40~~ $41.25 imposed on motorcycles and quadricycles that are subject to one-time registration. The fee is in addition to registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle with a special license ~~plates~~ plate issued under 61-3-415 shall pay ~~an annual fee based on the age of the motorcycle or quadricycle and the size of the engine, according to the following schedule:~~

~~(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:~~

~~(i) less than 5 years old, $30;~~

~~(ii) 5 years old but less than 11 years old, $15; and~~

~~(iii) 11 years old and older, $6~~ the one-time registration fee imposed under subsection (1) and the fees imposed under 61-3-415.

~~(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:~~

~~(i) less than 5 years old, $55;~~

~~(ii) 5 years old but less than 11 years old, $20; and~~

~~(iii) 11 years old and older, $6.~~

~~(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:~~

~~(i) less than 5 years old, $90;~~

~~(ii) 5 years old but less than 11 years old, $50; and~~

~~(iii) 11 years old and older, $6.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

~~(4) A person who registers a motorcycle or quadricycle as provided in this section shall pay an additional one-time fee of $1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the $1.25 fee collected under this subsection from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.~~

~~(5)~~(3) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. ~~(Subsection (4) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)~~"

Section 157. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-701 must be amended as follows:

"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity. (1) ~~Before~~ A person may not operate a motor vehicle, trailer, semitrailer, or pole trailer that is registered in another jurisdiction

~~may be operated~~ on the highways of this state if the vehicle is used for hire, compensation, or profit or ~~before the owner or user of the vehicle uses the vehicle~~ if the ~~owner or user~~ person is engaged in gainful occupation or business enterprise in the state, including highway work, ~~the owner of the vehicle shall register~~ unless the motor vehicle, trailer, semitrailer, or pole trailer is registered at the office of a county treasurer or an authorized agent of the department. Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by ~~15-8-201, 15-8-202, 15-24-301,~~ 61-3-321, 61-3-529, or 61-3-537, ~~or 61-3-560 and 61-3-561,~~ the treasurer or authorized agent shall enter the vehicle for registration purposes only on the electronic registry maintained by the department under 61-3-101. One-fourth of the annual fees or taxes due on the motor vehicle, trailer, semitrailer, or pole trailer subject to registration under this section must be paid for each calendar quarter or portion of a calendar quarter for the year that the vehicle will be located or operated in Montana.

(2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue to the ~~vehicle~~ owner of the motor vehicle, trailer, semitrailer, or pole trailer a registration receipt, ~~and the proper~~ license plates, ~~or other identification markers~~ and a registration decal indicating the calendar quarter and year for which the motor vehicle, trailer, semitrailer, or pole trailer is registered. The license plates, with attached registration decal, ~~or identification markers~~ must at all times be displayed upon the motor vehicle, trailer, semitrailer, or pole trailer when operated or driven upon roads and highways of this state during the registration period indicated on the receipt.

(3) The registration receipt does not constitute evidence of ownership but ~~must~~ may be used only for registration purposes. A Montana certificate of title may not be issued for a motor vehicle, trailer, semitrailer, or pole trailer registered under this section.

(4) This section is not applicable to a motor vehicle covered by a valid and existing reciprocal agreement or declaration entered into under Montana law."

Section 158. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 129] of Senate Bill No. 285, amending 61-3-707, is void.

Section 159. Coordination instruction. If Senate Bill No. 285, House Bill No. 55, and [this act] are all passed and approved, then [section 2] of House Bill No. 55, a coordination section, is void and 61-3-721 must be amended as follows:

"61-3-721. Proportional registration of motor fleet vehicles, registration periods, application, fee formula, and payment -- permanent registration of trailer and semitrailer fleets -- transfer of ownership -- transfer of license plates. (1) An owner of one or more fleets may register and license each fleet for operation

in this state by filing an application with the department of transportation. The application must contain the information pertinent to motor vehicle, trailer, semitrailer, or pole trailer registration that is required by the department of transportation. If an electronic record of title has not been created for or a certificate of title issued for an apportionable vehicle in the fleet, the department of transportation, as an authorized agent of the department of justice, may also process the application for certificate of title for the vehicle as provided in 61-3-203 and 61-3-217.

(2) ~~Each~~ Except as provided in 61-3-318(1) and subsection (6) of this section, each fleet subject to the provisions of 61-3-711 through 61-3-733 must~~, except as provided in 61-3-318(1) and subsection (6) of this section,~~ be registered for an annual registration period based upon the date that the fleet is first registered in this state.

(3) There are four annual registration periods, each of which begins on the first day of a calendar quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31. The periods are:

(a) January 1 through March 31 &# 160; □ 0; &# 160; □ 0; &# 160; 1st period

(b) April 1 through June 30 &# 160; □ 0; &# 160; □ 0; &# 160; 2nd period

(c) July 1 through September 30 &# 160; □ 0; &# 160; □ 0; &# 160; 3rd period

(d) October 1 through December 31 &# 160; □ 0; &# 160; □ 0; &# 160; 4th period

(4) Registration of a fleet of apportionable motor vehicles under subsection (2) must be renewed on or before the last day of the month for the designated annual registration period unless a different registration period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous registration of multiple fleets of apportionable motor vehicles in common ownership.

(5) Except as provided in subsection (6), the application for each fleet may be accompanied by a fee payment computed by:

(a) dividing in-state miles by total fleet miles as defined in the applicable agreement, arrangement, or declaration entered into pursuant to 61-3-711 through 61-3-733;

(b) determining the total amount necessary to register each motor vehicle, trailer, semitrailer, or pole trailer in the fleet for which registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and chapter 10, part 2, and the property taxes that are due on the fleet;

(c) multiplying the sum obtained under subsection (5)(b) by the fraction obtained under subsection (5)(a).

(6) ~~(a) Each trailer and semitrailer fleet must be registered for a 5-year period based upon the date that the fleet is first registered in this state.~~

~~(b) Each trailer and semitrailer in the fleet for which registration is requested must be assessed a registration fee equal to five times the amount prescribed by 61-3-321.~~

~~(c) Each trailer or semitrailer must be issued a license plate, a distinctive sticker, or other suitable identification device valid for 5 years from the date of the original application or renewal application.~~

~~(d) Registration of a trailer or semitrailer must be renewed on or before the last day of the month for the designated 5-year registration period.~~

~~(7) Upon the transfer of ownership of a trailer or semitrailer, the registration of the trailer or semitrailer expires and it is the duty of the transferor to immediately remove the license plates from the trailer or semitrailer.~~

~~(8) (a) If the transferor applies for the registration of another trailer or semitrailer at any time during the remainder of the current registration period as shown on the original registration, the transferor may file an application with the department of transportation, accompanied by the original certificate of registration, for the transfer of the license plates. The application for transfer of the license plates must be made by the person or motor carrier in whose name the original license plates to the trailer or semitrailer were issued. The use of the license plates is not legal until the proper transfer of license plates has been made.~~

~~(b) License plates may be transferred pursuant to this section without transferring ownership of the trailer or semitrailer for which the license plates were originally issued.~~

~~(c) Upon transfer of the license plates, the registration of the trailer or semitrailer from which the license plates were transferred expires. The registration for the trailer or semitrailer must be surrendered to the department of transportation with the application for transfer.~~

~~(d) License plates issued for a trailer or semitrailer under this section may be transferred only to a replacement trailer or semitrailer. A license plate fee may not be assessed upon transfer of a license plate.~~ Upon renewal or new registration, each trailer, semitrailer, or pole trailer fleet must be permanently registered and assessed a registration fee of $82.50. Each trailer, semitrailer, or pole trailer in the fleet must be issued a permanent license plate and sticker.

(7) The fee assessed in subsection (6) is a one-time fee except upon transfer of ownership of a trailer, semitrailer, or pole trailer.

(8) If the owner of a fleet removes a trailer, semitrailer, or pole trailer from the fleet, the owner shall surrender the registration and license plate assigned to the trailer, semitrailer, or pole trailer to the department of transportation. The owner may not transfer the license plate and sticker to a trailer, semitrailer, or pole trailer that is added to the fleet.

(9) Applications submitted with fees may be recomputed by the department of transportation. The

department of transportation shall furnish a statement showing the overpayment or balance due.

(10) Applications submitted without fees must be computed by the department of transportation. The department of transportation shall furnish a statement showing the amount of fees due."

Section 160. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 159] of Senate Bill No. 285, amending 61-4-111, is void and [section 104 of this act], amending 61-4-111, must be amended as follows:

"61-4-111. Used motor vehicles -- transfer to and from dealers. (1) Except as provided in 61-4-124(6), a licensed dealer, broker, or wholesaler who intends to resell a used motor vehicle and who operates the vehicle only for demonstration purposes:

(a) is exempt from registration under ~~61-3-201(2)~~ 61-3-302(3) when applying for a certificate of title; and

(b) may transfer or receive ownership of a motor vehicle by use of a dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title has been completed, ownership of the vehicle may not be transferred until an application for a certificate of title has been submitted by the dealer to the department and a new certificate of title has been issued.

(2) Upon the transfer of a used motor vehicle or trailer to a person other than a licensed dealer, broker, or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the used motor vehicle or trailer was transferred if the dealer is an authorized agent, as defined in [section 2 of House Bill No. 671]. In addition, the following acts are required of the dealer on or before the times set forth in this subsection:

~~(a) Prior to delivery of the vehicle to the purchaser, the dealer shall issue a temporary registration permit for the vehicle and affix the temporary registration permit to the vehicle in a manner prescribed by the department. The temporary registration permit issued by the dealer is valid for 20 days from the date of issuance. There must be imprinted on the temporary registration permit in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER". Unless a durable license plate style placard is issued, one copy of the temporary registration permit must be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2)(b), and a copy must be retained by the dealer for the dealer's file. If a durable placard is issued, the dealer shall create and retain the relevant records as prescribed by the department. It is unlawful for the dealer to issue more than one 20-day temporary registration permit for each vehicle sale.~~

~~(b)~~(a) Within ~~4 working~~ 30 calendar days following the date of delivery of the motor vehicle or trailer, the dealer shall forward to the county treasurer of the county where the ~~purchaser resides~~ vehicle is domiciled:

(i) the assigned certificate of title or, if a certificate of title for the motor vehicle or trailer has not been issued

in this state, a copy of the then-current registration receipt or certificate in the dealer's possession; and

(ii) an application for a certificate of title executed by the new owner in accordance with the provisions of ~~61-3-221 and 61-3-322~~ 61-3-216 and 61-3-220~~; and~~

~~(iii) a copy of the temporary registration permit affixed to the vehicle by the dealer~~.

~~(c)~~(b) Transmission of the documents by the dealer to the county treasurer may be accomplished either by personal delivery, ~~or~~ by first-class mail, ~~in which event they are considered to have been delivered at the time of mailing~~ or by electronic means, as authorized by the department.

~~(d)~~(c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the time set forth in subsection ~~(2)(b)~~ (2)(a) because the certificate of title is lost, is in the possession of third parties, or is in the process of reissuance in this state or elsewhere, the dealer shall comply in all other respects with the provisions of subsection ~~(2)(b)~~ (2)(a) and shall forward the missing document or documents to the county treasurer, either personally or by first-class mail, within 3 days after receipt.

(3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle or trailer is considered to have passed to the purchaser as of the date of the delivery of the motor vehicle or trailer to the purchaser by the dealer, and the dealer has no further liability or responsibility with respect to the processing of registration.

(4) Upon receipt from the county treasurer of the documents required under subsection (2), the department shall:

(a) update the electronic record of the title maintained by the department under 61-3-101; or

(b) issue a certificate of title if requested under 61-3-216(2)(f); and

(c) comply with the applicable provisions of Title 61, chapter 3, parts 1 through 3.

~~(5) For purposes of this section, "motor vehicle" includes a trailer as defined in 61-1-111.~~"

Section 161. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 160] of Senate Bill No. 285, amending 61-4-112, is void and [section 105 of this act], amending 61-4-112, must be amended as follows:

"61-4-112. New motor vehicles -- transfers by dealers. (1) (a) When a motor vehicle dealer transfers a new motor vehicle to a purchaser or other recipient, the dealer shall~~:~~

~~(a) issue and affix a temporary registration permit, as prescribed in 61-4-111(2)(a), for transfers of used motor vehicles and retain a copy of the temporary registration permit or, if a durable license-plate style placard is issued, affix the placard and create and retain all other relevant records prescribed by the department;~~

~~(b)~~ within ~~4 working~~ 30 calendar days following the date of delivery of the new motor vehicle, forward to the county treasurer of the county where the ~~purchaser or recipient resides~~ motor vehicle is domiciled:

~~(i) one copy of the temporary registration permit issued under subsection (1)(a) or a copy of the information described in the records concerning a placard;~~

~~(ii)~~(i) an application for a certificate of title with a notice of security interest, if any, executed by the purchaser or recipient; and

~~(iii)~~(ii) a manufacturer's certificate of origin that shows that the motor vehicle has not previously been registered or owned, except as otherwise provided in this section, by any person other than a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.

(b) If the dealer is an authorized agent, as defined in [section 2 of House Bill No. 671], a temporary registration permit may be issued under 61-3-224 to the person to whom the new motor vehicle was transferred.

(2) Upon receipt from the county treasurer of the documents required under subsection (1), the department shall issue a certificate of title if requested under 61-3-216(2)(f) and otherwise comply with the provisions of Title 61, chapter 3, parts 1 through 3, as applicable."

Section 162. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 178] of Senate Bill No. 285, amending 61-4-310, is void.

Section 163. Coordination instruction. If House Bill No. 192 and [this act] are both passed and approved, then 61-5-114 must be amended as follows:

"61-5-114. ~~Duplicate licenses~~ Replacement license or permit. (1) If an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed or a person wants to update personal information contained on an instruction permit or a driver's license issued to the person, the person to whom ~~it~~ the permit or license was issued may, upon the payment of a fee of $10, obtain a ~~duplicate or substitute~~ replacement permit or license, upon furnishing proof satisfactory to the department that the permit or license has been lost or destroyed or that personal information has changed.

(2) If the hazardous materials endorsement on a commercial driver's license issued under the provisions of this chapter is revoked or removed pursuant to the authority provided in [section 2 of House Bill No. 192], the person to whom the license was issued shall surrender to the department the person's commercial driver's license with the hazardous materials endorsement and may obtain, upon making application and paying a $10 fee, a replacement license that does not include a hazardous materials endorsement."

Section 164. Coordination instruction. If House Bill No. 102, House Bill No. 192, Senate Bill No. 285, and [this act] are all passed and approved then [section 165 of this act] is void and [section 22] of House Bill No. 192, amending 61-5-121, [section 191] of Senate Bill No. 285, amending 61-5-121, and [section 114 of this act],

amending 61-5-121, are all void and [section 10] of House Bill No. 102, amending 61-5-121, is amended as follows:

"61-5-121. Disposition of fees. (1) ~~The~~ Except as provided in subsection (3), the disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and ~~duplicate~~ replacement driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 22.3% of each driver's license fee, 18.25% of each commercial driver's license fee, and 25% of each ~~duplicate~~ replacement driver's license fee must be deposited into an account in the state special revenue fund. ~~The~~ Upon receiving an appropriation, the department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee, 2.5% of each commercial driver's license fee, and 3.75% of each ~~duplicate~~ replacement driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state general fund.

(d) The amount of 20.7% of each driver's license fee, 16.94% of each commercial driver's license fee, and 8.75% of each ~~duplicate~~ replacement driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), ~~the amount of 54.5% of each driver's license fee and 62.5% of each duplicate driver's license fee~~ the remainder of each driver's license fee, each commercial driver's license fee, and each replacement driver's license fee must be deposited into the state general fund.

~~(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.~~

~~(g)~~(f) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit all remaining fees to the state for deposit ~~to the department of revenue all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees~~ as provided in subsections (1)(a) and (1)(d) through ~~(1)(g)~~ (1)(f).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall~~ deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through ~~(1)(g)~~ (1)(f).

(3) The fee for a renewal notice, whether collected by a county treasurer, an authorized agent, or the department, must be remitted to the department for deposit in the state general fund."

Section 165. Coordination instruction. If House Bill No. 102, Senate Bill No. 285, and [this act] are all passed and approved, then [section 191] of Senate Bill No. 285, amending 61-5-121, and [section 114 of this act], amending 61-5-121, are void and [section 10] of House Bill No. 102, amending 61-5-121, is amended as follows:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

~~(a) The amount of 22.3% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.~~

~~(b)~~(a) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection ~~(1)(b)(i)~~ (1)(a)(i) must

be deposited into the state general fund.

~~(c)~~(b) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection ~~(1)(c)(i)~~ (1)(b)(i) must be deposited into the state general fund.

~~(d)~~(c) The amount of 20.7% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

~~(e)~~(d) In addition to the amounts deposited pursuant to subsections ~~(1)(b)(ii)~~ (1)(a)(ii) and ~~(1)(c)(ii)~~ (1)(b)(ii), the amount of ~~54.5%~~ 76.8% of each driver's license fee and ~~62.5%~~ 87.5% of each duplicate driver's license fee must be deposited into the state general fund.

~~(f)~~(e) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

~~(g)~~(f) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections ~~(1)(b)(i)~~ (1)(a)(i) and ~~(1)(c)(i)~~ (1)(b)(i) into the county general fund. The county treasurer or agent shall then remit all remaining fees to the state for deposit ~~to the department of revenue all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees~~ as provided in subsections ~~(1)(a) and (1)(d) through (1)(g)~~ (1)(c) through (1)(f).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall~~ deposit the fees as provided in subsections ~~(1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)~~ (1)(a)(ii), (1)(b)(ii), and (1)(c) through (1)(f)."

Section 166. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 192] of Senate Bill No. 285, amending 61-5-208, is void.

Section 167. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 124 of this act], amending 76-2-302, is void.

Section 168. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2006.

(2) [Sections 1 through 6 and this section] are effective July 1, 2005.

- END -

I hereby certify that the within bill,
HB 0671, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this & #160; □ 0;   day
of & #160; □ 0; &# 160; □ 0; , 2005.

President of the Senate

Signed this & #160; □ 0; &# 160; day

of & #160; □ 0; &# 160; □ 0; , 2005.

Latest Version of HB 671 *(HB0671.ENR)*

Processed for the Web on April 25, 2005 (1:11pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

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